

Council Communication
September 22, 2008 City Council Meeting

Department: Community Development	Ordinance No.: <u>6013</u>	First Reading: 9-22-08 Second Reading: 10-13-08 Third Reading: 10-27-08 Public Hearing: 9-22-08						
Case/Project No.: URN-08-002								
Subject/Title								
Amendment No. 3 to the Mid-America Center Urban Renewal Plan and Area								
Location								
From 23 rd Avenue to the Interstate right-of-way between South 21 st Street to the east line of Doll Distributing and extending northwest along 35 th Street and south along Nebraska Avenue								
Background/Discussion								
<u>Background</u> The Mid-America Center Urban Renewal Plan was approved in May of 2001 with the adoption of Resolution 01-140. It was originally prepared to allow the use of tax increment financing for public improvements associated with the development of the Mid-America Center. Subsequently, Resolution 04-11, adopted in January of 2004 approved Amendment No. 1 to this plan. Amendment No. 1 was intended to facilitate urban renewal assistance to the Bass Pro Shops. Amendment No. 2, adopted by Resolution 06-276 in October of 2006, added additional land to the urban renewal area to assist the City in recovering its public infrastructure and facility investment costs which serve both the Mid-America Center and Horseshoe Casino.								
<u>Discussion</u> It is now necessary to consider adoption of Amendment No. 3 to the plan and area because the City has determined that additional proposed project area activities are possible. The proposed activities identified as potential projects, include the expansion of retail opportunities in the community through the construction of a 374,000 square foot retail center, the issuance of additional city bonds, reconstruction of public infrastructure and the construction of a public safety building. Land will also be added to the east of the amended MAC Urban Renewal Area and the effective term of the Plan will also be eliminated. Concurrent to the adoption of Amendment No. 3, the City intends to modify the existing tax increment financing regime to include the additional area added to the amended urban renewal plan and area. On August 25, 2008, the City Council passed a resolution of necessity, which directed staff to initiate the process of amending the Mid-America Center Urban Renewal Plan and Area. This resolution established the following actions and timeframes: <table style="width: 100%; border: none;"><tr><td style="width: 35%;">September 3, 2008</td><td>Consultation hearing with affected taxing jurisdictions</td></tr><tr><td>September 9, 2008</td><td>City Planning Commission hearing and review</td></tr><tr><td>September 22, 2008</td><td>City Council public hearing</td></tr></table> The consultation meeting was held on September 3, 2008 and no individuals or groups appeared at the hearing. Additionally, no written correspondence has been received by the Community Development Department either in support or against the proposed amendment.			September 3, 2008	Consultation hearing with affected taxing jurisdictions	September 9, 2008	City Planning Commission hearing and review	September 22, 2008	City Council public hearing
September 3, 2008	Consultation hearing with affected taxing jurisdictions							
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Recommendation

The Community Development Department recommends approval of the proposed Amendment #3 to the Mid-America Center Urban Renewal Plan and Area and first consideration of the TIF ordinance.

City Planning Commission Public Hearing – September 9, 2008

The following appeared before the Planning Commission in favor of the request: Gayle Malmquist, Community Development Department

The following appeared before the Planning Commission in opposition to the request: None.

City Planning Commission Recommendation

Concur with the Community Development Department to approve Amendment #3 to the Mid-America Center Urban Renewal Plan and Area, as presented.

VOTE: Aye 10 Nay 0 Abstain 0 Absent 1 Motion Carried.

Attachments

TIF Ordinance

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

ORDINANCE NO. 6013

AN ORDINANCE AMENDING ORDINANCE NOS. 5607 AND 5905, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE AMENDED MID-AMERICA CENTER (MAC) URBAN RENEWAL AREA (F/K/A MARCC URBAN RENEWAL AREA) OF THE CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, COUNCIL BLUFFS COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY SAID CITY IN CONNECTION WITH THE AMENDED MID-AMERICA CENTER (MAC) URBAN RENEWAL REDEVELOPMENT PROJECT

WHEREAS, the City Council of the City of Council Bluffs, Iowa has heretofore, in Ordinance Nos. 5607 and 5905, provided for the division of taxes within the Mid-America Center (MAC) Urban Renewal Project Area (f/k/a MARCC Urban Renewal Area), pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, additional territory now has been added to the Mid-America Center (MAC) Urban Renewal Project Area (f/k/a MARCC Urban Renewal Area); and

WHEREAS, indebtedness has been incurred by the City, and additional indebtedness is anticipated to be incurred in the future, to finance urban renewal project activities within the amended Mid-America Center (MAC) Urban Renewal Project Area (f/k/a MARCC Urban Renewal Area), and the continuing needs of redevelopment within the amended Mid-America Center (MAC) Urban Renewal Project Area (f/k/a MARCC Urban Renewal Area) are such as to require the continued application of the incremental tax resources of the amended Mid-America Center (MAC) Urban Renewal Project Area (f/k/a MARCC Urban Renewal Area); and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA, THAT:

Ordinance Numbers 5607 and 5905 is hereby amended to read as follows:

Section 1: For purposes of this Ordinance, the following terms shall have the following meanings:

(a) Original Project Area shall mean that portion of the City of Council Bluffs, Iowa described in the Urban Renewal Plan for the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) approved by Resolution No. 01-140 on May 21, 2001, which Original Project Area includes the lots and parcels located within the area legally described as follows:

A parcel of land being a portion of the West Half (W1/2) and a portion of the West Half of the East Half (W1/2 E1/2) of Section 3, and a portion of the North Half (N1/2) of Section 4, all in Township 74 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa, bounded and described as follows:

Beginning at the west quarter corner of said Section 3;

thence along the west line of said Section 3, North 0 degrees 00 minutes 00 seconds East, 40.02 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, South 88 degrees 23 minutes 25 seconds East, 340.05 feet;

thence continuing along said northerly right-of-way line, North 75 degrees 58 minutes 12 seconds East, 37.20 feet to a point on the westerly right-of-way line of 35th Street Diagonal;

thence along said westerly right-of-way line, North 22 degrees 16 minutes 44 seconds West, 37.20 feet;

thence continuing along said westerly right-of-way line, North 36 degrees 47 minutes 45 seconds West, 173.00 feet;

thence South 53 degrees 12 minutes 15 seconds West, 289.12 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, North 88 degrees 23 minutes 25 seconds West, 26.77 feet;

thence continuing along said northerly right-of-way line, North 88 degrees 08 minutes 44 seconds West, 40.27 feet;

thence North 0 degrees 02 minutes 37 seconds West, 7.93 feet;

thence North 36 degrees 47 minutes 45 seconds West, 11.87 feet;

thence North 53 degrees 12 minutes 15 seconds East, 326.50 feet to a point on the southwesterly right-of-way line of said 35th Street Diagonal;

thence along said 35th Street Diagonal, North 36 degrees 47 minutes 45 seconds West, 1307.28 feet to a point on the southeasterly right-of-way line of Nebraska Avenue;

thence along said southeasterly right-of-way line, South 53 degrees 12 minutes 15 seconds West, 750.00 feet;

thence North 36 degrees 47 minutes 45 seconds West, 100.00 feet;

thence parallel with said southeasterly right-of-way line and along the northwesterly right-of-way line of Nebraska Avenue, North 53 degrees 12 minutes 15 seconds East, 830.00 feet to a point on the northeasterly right-of-way line of said 35th Street Diagonal;

thence along said northeasterly right-of-way line, South 36 degrees 47 minutes 45 seconds East, 1581.05 feet to the beginning of a curve, concave northeasterly, having a radius of 480.82 feet;

thence continuing southeasterly along said northeasterly right-of-way line and along said curve, through a central angle of 51 degrees 35 minutes 40 seconds, 432.97 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, South 88 degrees 23 minutes 25 seconds East, 2087.72 feet to the intersection with the northerly prolongation of the easterly line of a parcel of land conveyed by Joseph B. Katelman and Jeanette Katelman to Iowa Power and Light Company, by Warranty Deed recorded in Book 1497, Page 206 Records of the Pottawattamie County Recorder;

thence along said northerly prolongation and along said easterly line, South 0 degrees 39 minutes 35 seconds West, 370.00 feet to the southeast corner of said conveyed parcel;

thence South 88 degrees 23 minutes 26 seconds East, 82.58 feet;

thence South 0 degrees 47 minutes 48 seconds West, 1272.00 feet;

thence North 88 degrees 23 minutes 26 seconds West, 279.54 feet to the intersection with the north-south centerline of said Section 3;

thence along said north-south centerline, South 0 degrees 39 minutes 35 seconds West, 879.85 feet to a point on the northerly right-of-way line of Interstate Highways 29 and 80;

thence along said Interstate right-of-way line, the following seven (7) courses:

- 1) North 88 degrees 39 minutes 00 seconds West, 379.74 feet;

- 2) North 65 degrees 50 minutes 40 seconds West, 323.86 feet;
- 3) North 88 degrees 09 minutes 40 seconds West, 441.03 feet;
- 4) North 52 degrees 46 minutes 05 seconds West, 615.62 feet;
- 5) North 44 degrees 44 minutes 50 seconds West, 507.81 feet;
- 6) North 42 degrees 29 minutes 15 seconds West, 445.31 feet;
- 7) North 43 degrees 22 minutes 01 second West, 490.44 feet to the most southerly corner of the Doll Distributing parcel;

thence along the easterly line of said Doll Distributing parcel and along the northerly prolongation of said easterly line, North 0 degrees 00 minutes 45 seconds East, 981.95 feet to the Point of Beginning.

(b) The only purpose of Amendment No. 1 to the Urban Renewal Plan for the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) approved by Resolution No. 04-11 on January 26, 2004, was to specifically identify project activities not currently identified in the existing plan.

(c) Amendment No. 2 Area shall mean that portion of the City of Council Bluffs, Iowa described in Amendment No. 2 to the Urban Renewal Plan for the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) approved by Resolution No. 06-276 on October 23, 2006, which Amendment No. 2 Area includes the lots and parcels located within the area legally described as follows:

A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER (W1/2 SE1/4) OF SECTION 3, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 3;

THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, SOUTH 00 DEGREES 39

MINUTES 35 SECONDS WEST, 1552.04 FEET TO THE
TRUE POINT OF BEGINNING:

THENCE SOUTH 88 DEGREES 23 MINUTES 26
SECONDS EAST, 279.66 FEET;

THENCE NORTH 00 DEGREES 47 MINUTES 48
SECONDS EAST, 1222.00 FEET;

THENCE NORTH 88 DEGREES 23 MINUTES 26
SECONDS WEST, ALONG A LINE 330.00 FEET SOUTH
OF AND PARALLEL TO THE NORTH LINE OF SAID
SOUTHEAST QUARTER (SE1/4) OF SECTION 3, A
DISTANCE OF 82.58 FEET:

THENCE NORTH 00 DEGREES 39 MINUTES 35
SECONDS EAST, ALONG A LINE 200.00 FEET EAST OF
AND PARALLEL TO THE WEST LINE OF SAID
SOUTHEAST QUARTER (SE1/4) SECTION 3, A
DISTANCE OF 290.00 FEET:

THENCE SOUTH 88 DEGREES 23 MINUTES 26
SECONDS EAST, ALONG A LINE 40.00 FEET SOUTH
OF AND PARALLEL TO THE NORTH LINE OF SAID
SOUTHEAST QUARTER (SE1/4) SECTION 3, A
DISTANCE OF 1117.97 FEET:

THENCE SOUTH 00 DEGREES 39 MINUTES 48
SECONDS WEST, A DISTANCE OF 2435.39 FEET TO A
POINT THAT IS 165.00 FEET NORTH OF AND 1317.73
FEET EAST OF THE SOUTH QUARTER CORNER OF
SAID SECTION 3;

THENCE NORTH 88 DEGREES 40 MINUTES 24
SECONDS WEST, ALONG A LINE 165.00 FEET NORTH
OF AND PARALLEL TO THE SOUTH LINE OF SAID
SOUTHEAST QUARTER (SE1/4) SECTION 3, A
DISTANCE OF 1317.73 FEET TO THE WEST LINE OF
SAID SOUTHEAST QUARTER (SE1/4) SECTION 3;

THENCE NORTH 00 DEGREES 39 MINUTES 35 SECONDS EAST, ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) SECTION 3, A DISTANCE OF 929.85 FEET TO THE POINT OF BEGINNING AND INCLUDING THE ABUTTING RIGHT-OF-WAY ON THE SOUTH.

SAID PARCEL CONTAINS AN AREA OF 69.5 ACRES, MORE OR LESS.

(d) Amendment No. 3 Area shall mean that portion of the City of Council Bluffs, Iowa described in Amendment No. 3 to the Urban Renewal Plan for the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) approved by Resolution No. 08-280 on September 22, 2008, which Amendment No. 3 Area includes the lots and parcels located within the area legally described as follows:

A parcel of land being a portion of the East Half of the Southeast Quarter (E1/2 SE1/4) and a portion of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section 3, Township 74 North, Range 44 West of the Fifth Principal Meridian and Blocks 11 thru 18, 39 thru 46, 67 thru 74, 95 thru 98, Railroad Addition, all in the City of Council Bluffs, Pottawattamie County, Iowa, bounded and described as follows:

Beginning at the east quarter corner of said Section 3;

thence along the North line of said Railroad Addition, South 89 degrees 07 minutes 44 seconds East, 1,374.81 feet to a point on the northerly prolongation of the east right-of-way line of South 21st Street;

thence along said northerly prolongation and along said east right-of-way line, South 0 degrees 33 minutes 10 seconds West, 2,475.09 feet to a point on the northerly right-of-way line of Interstate Highways 29 and 80;

thence along said Interstate right-of-way line, the following 11 courses:

- 1) North 89 degrees 07 minutes 41 seconds West, 386.61 feet
- 2) North 67 degrees 41 minutes 30 seconds West, 793.02 feet
- 3) North 89 degrees 27 minutes 04 seconds West, 169.64 feet
- 4) South 0 degrees 32 minutes 56 seconds West, 25.26 feet
- 5) North 89 degrees 07 minutes 47 seconds West, 82.00 feet
- 6) North 0 degrees 33 minutes 51 seconds East, 28.13 feet
- 7) South 73 degrees 40 minutes 23 seconds West, 543.90 feet
- 8) South 38 degrees 36 minutes 51 seconds West, 52.25 feet
- 9) South 73 degrees 40 minutes 36 seconds West, 158.89 feet to the beginning of a curve, concave northwesterly, having a radius of 750.43 feet;
- 10) southwesterly along said curve, through a central angle of 18 degrees 02 minutes 04 seconds, 236.21 feet;
- 11) North 88 degrees 16 minutes 36 seconds West, 371.78 feet to a point on the west line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said West line, North 0 degrees 39 minutes 48 seconds East, 2,435.39 feet to a point on the South right-of-way line of 23rd Avenue;

thence along said south right-of-way line, North 88 degrees 22 minutes 15 seconds West, 1,117.36 feet;

thence North 0 degrees 39 minutes 35 seconds East, 80.18 feet to a point on the North right-of-way line of said 23rd Avenue;

thence along said north right-of-way line, South 88 degrees 23 minutes 25 seconds East, 1,793.57 feet to the beginning of curve, concave southwesterly, having a radius of 568.05 feet;

thence continuing along said north right-of-way line and along said curve, through a central angle of 22 degrees 41 minutes 01 second, 225.39 feet to a point on the North line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said North line, South 89 degrees 08 minutes 00 seconds East, 409.82 feet to the Point of Beginning;

said parcel contains an area of 148 acres, more or less.

(e) Amended Project Area shall mean that portion of the City of Council Bluffs, Iowa included within the Original Project Area, the Amendment No. 1 Area, the Amendment No. 2 Area and the Amendment No. 3 Area, which Amended Project Area includes the lots and parcels located within the area legally described as follows:

ORIGINAL PROJECT AREA

A parcel of land being a portion of the West Half (W1/2) and a portion of the West Half of the East Half (W1/2 E1/2) of Section 3, and a portion of the North Half (N1/2) of Section 4, all in Township 74 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa, bounded and described as follows:

Beginning at the west quarter corner of said Section 3;

thence along the west line of said Section 3, North 0 degrees 00 minutes 00 seconds East, 40.02 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, South 88 degrees 23 minutes 25 seconds East, 340.05 feet;

thence continuing along said northerly right-of-way line, North 75 degrees 58 minutes 12 seconds East, 37.20 feet to a point on the westerly right-of-way line of 35th Street Diagonal;

thence along said westerly right-of-way line, North 22 degrees 16 minutes 44 seconds West, 37.20 feet;

thence continuing along said westerly right-of-way line, North 36 degrees 47 minutes 45 seconds West, 173.00 feet;

thence South 53 degrees 12 minutes 15 seconds West, 289.12 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, North 88 degrees 23 minutes 25 seconds West, 26.77 feet;

thence continuing along said northerly right-of-way line, North 88 degrees 08 minutes 44 seconds West, 40.27 feet;

thence North 0 degrees 02 minutes 37 seconds West, 7.93 feet;

thence North 36 degrees 47 minutes 45 seconds West, 11.87 feet;

thence North 53 degrees 12 minutes 15 seconds East, 326.50 feet to a point on the southwesterly right-of-way line of said 35th Street Diagonal;

thence along said 35th Street Diagonal, North 36 degrees 47 minutes 45 seconds West, 1307.28 feet to a point on the southeasterly right-of-way line of Nebraska Avenue;

thence along said southeasterly right-of-way line, South 53 degrees 12 minutes 15 seconds West, 750.00 feet;

thence North 36 degrees 47 minutes 45 seconds West, 100.00 feet;

thence parallel with said southeasterly right-of-way line and along the northwesterly right-of-way line of Nebraska Avenue, North 53 degrees 12 minutes 15 seconds East, 830.00 feet to a point on the northeasterly right-of-way line of said 35th Street Diagonal;

thence along said northeasterly right-of-way line, South 36 degrees 47 minutes 45 seconds East, 1581.05 feet to the beginning of a curve, concave northeasterly, having a radius of 480.82 feet;

thence continuing southeasterly along said northeasterly right-of-way line and along said curve, through a central angle of 51 degrees 35 minutes 40 seconds, 432.97 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, South 88 degrees 23 minutes 25 seconds East, 2087.72 feet to the intersection with the northerly prolongation of the easterly line of a parcel of land conveyed by Joseph B. Katelman and Jeanette Katelman to Iowa Power and Light Company, by Warranty Deed recorded in Book 1497, Page 206 Records of the Pottawattamie County Recorder;

thence along said northerly prolongation and along said easterly line, South 0 degrees 39 minutes 35 seconds West, 370.00 feet to the southeast corner of said conveyed parcel;

thence South 88 degrees 23 minutes 26 seconds East, 82.58 feet;

thence South 0 degrees 47 minutes 48 seconds West, 1272.00 feet;

thence North 88 degrees 23 minutes 26 seconds West, 279.54 feet to the intersection with the north-south centerline of said Section 3;

thence along said north-south centerline, South 0 degrees 39 minutes 35 seconds West, 879.85 feet to a point on the northerly right-of-way line of Interstate Highways 29 and 80;

thence along said Interstate right-of-way line, the following seven (7) courses:

- 1) North 88 degrees 39 minutes 00 seconds West, 379.74 feet;
- 2) North 65 degrees 50 minutes 40 seconds West, 323.86 feet;
- 3) North 88 degrees 09 minutes 40 seconds West, 441.03 feet;
- 4) North 52 degrees 46 minutes 05 seconds West, 615.62 feet;
- 5) North 44 degrees 44 minutes 50 seconds West, 507.81 feet;
- 6) North 42 degrees 29 minutes 15 seconds West, 445.31 feet;
- 7) North 43 degrees 22 minutes 01 second West, 490.44 feet to the most southerly corner of the Doll Distributing parcel;

thence along the easterly line of said Doll Distributing parcel and along the northerly prolongation of said easterly line, North 0 degrees 00 minutes 45 seconds East, 981.95 feet to the Point of Beginning.

AMENDMENT NO. 1

Amendment No. 1 added no new land.

AMENDMENT NO. 2 AREA

A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER (W1/2 SE1/4) OF SECTION 3, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 3;

THENCE ALONG THE WEST LINE OF SAID
SOUTHEAST QUARTER, SOUTH 00 DEGREES 39
MINUTES 35 SECONDS WEST, 1552.04 FEET TO THE
TRUE POINT OF BEGINNING:

THENCE SOUTH 88 DEGREES 23 MINUTES 26
SECONDS EAST, 279.66 FEET;

THENCE NORTH 00 DEGREES 47 MINUTES 48
SECONDS EAST, 1222.00 FEET;

THENCE NORTH 88 DEGREES 23 MINUTES 26
SECONDS WEST, ALONG A LINE 330.00 FEET SOUTH
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SOUTHEAST QUARTER (SE1/4) OF SECTION 3, A
DISTANCE OF 82.58 FEET:

THENCE NORTH 00 DEGREES 39 MINUTES 35
SECONDS EAST, ALONG A LINE 200.00 FEET EAST OF
AND PARALLEL TO THE WEST LINE OF SAID
SOUTHEAST QUARTER (SE1/4) SECTION 3, A
DISTANCE OF 290.00 FEET:

THENCE SOUTH 88 DEGREES 23 MINUTES 26
SECONDS EAST, ALONG A LINE 40.00 FEET SOUTH
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THENCE NORTH 88 DEGREES 40 MINUTES 24
SECONDS WEST, ALONG A LINE 165.00 FEET NORTH
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DISTANCE OF 1317.73 FEET TO THE WEST LINE OF
SAID SOUTHEAST QUARTER (SE1/4) SECTION 3;

THENCE NORTH 00 DEGREES 39 MINUTES 35
SECONDS EAST, ALONG SAID WEST LINE OF THE
SOUTHEAST QUARTER (SE 1/4) SECTION 3, A
DISTANCE OF 929.85 FEET TO THE POINT OF
BEGINNING AND INCLUDING THE ABUTTING RIGHT-
OF-WAY ON THE SOUTH.

SAID PARCEL CONTAINS AN AREA OF 69.5 ACRES,
MORE OR LESS.

AMENDMENT NO. 3 AREA

A parcel of land being a portion of the East Half of the
Southeast Quarter (E1/2 SE1/4) and a portion of the South
Half of the Northeast Quarter (S1/2 NE1/4) of Section 3,
Township 74 North, Range 44 West of the Fifth Principal
Meridian and Blocks 11 thru 18, 39 thru 46, 67 thru 74, 95
thru 98, Railroad Addition, all in the City of Council Bluffs,
Pottawattamie County, Iowa, bounded and described as
follows:

Beginning at the east quarter corner of said Section 3;

thence along the North line of said Railroad Addition, South
89 degrees 07 minutes 44 seconds East, 1,374.81 feet to a
point on the northerly prolongation of the east right-of-way
line of South 21st Street;

thence along said northerly prolongation and along said east
right-of-way line, South 0 degrees 33 minutes 10 seconds
West, 2,475.09 feet to a point on the northerly right-of-way
line of Interstate Highways 29 and 80;

thence along said Interstate right-of-way line, the following
11 courses:

- 1) North 89 degrees 07 minutes 41 seconds West, 386.61 feet
- 2) North 67 degrees 41 minutes 30 seconds West, 793.02 feet
- 3) North 89 degrees 27 minutes 04 seconds West, 169.64 feet
- 4) South 0 degrees 32 minutes 56 seconds West, 25.26 feet
- 5) North 89 degrees 07 minutes 47 seconds West, 82.00 feet
- 6) North 0 degrees 33 minutes 51 seconds East, 28.13 feet
- 7) South 73 degrees 40 minutes 23 seconds West, 543.90 feet
- 8) South 38 degrees 36 minutes 51 seconds West, 52.25 feet
- 9) South 73 degrees 40 minutes 36 seconds West, 158.89 feet to the beginning of a curve, concave northwesterly, having a radius of 750.43 feet;
- 10) southwesterly along said curve, through a central angle of 18 degrees 02 minutes 04 seconds, 236.21 feet;
- 11) North 88 degrees 16 minutes 36 seconds West, 371.78 feet to a point on the west line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said West line, North 0 degrees 39 minutes 48 seconds East, 2,435.39 feet to a point on the South right-of-way line of 23rd Avenue;

thence along said south right-of-way line, North 88 degrees 22 minutes 15 seconds West, 1,117.36 feet;

thence North 0 degrees 39 minutes 35 seconds East, 80.18 feet to a point on the North right-of-way line of said 23rd Avenue;

thence along said north right-of-way line, South 88 degrees 23 minutes 25 seconds East, 1,793.57 feet to the beginning of curve, concave southwesterly, having a radius of 568.05 feet;

thence continuing along said north right-of-way line and along said curve, through a central angle of 22 degrees 41 minutes 01 second, 225.39 feet to a point on the North line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said North line, South 89 degrees 08 minutes 00 seconds East, 409.82 feet to the Point of Beginning;

said parcel contains an area of 148 acres, more or less.

Section 2: The taxes levied on the taxable property in the Amended Project Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Council Bluffs Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 3: As to the Original Project Area, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the Original Project Area upon the total sum of the assessed value of the taxable property in the Original Project Area as shown on the assessment roll as of January 1, 2000, being the first day of the calendar year preceding the effective date of Ordinance No. 5607, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. The taxes so determined shall be referred herein as the "base period taxes" for such area.

As no new territory was by Amendment No. 1, base period taxes shall be computed in the same manner as for the Original Project Area.

As to Amendment No. 2 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2005,

being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 5905.

As to Amendment No. 3 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2007, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of this Ordinance.

Section 4: That portion of the taxes each year in excess of the base period taxes for the Amended Project Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by the City of Council Bluffs to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by the City of Council Bluffs, Iowa to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Project Area pursuant to the Urban Renewal Plan, as amended, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, but only to the extent authorized in Section 403.19(2), and taxes for payment of bonds and interest of each taxing district shall be collected against all taxable property within the Amended Project Area without any limitation as hereinabove provided.

Section 5: Unless or until the total assessed valuation of the taxable property in the areas of the Amended Project Area exceeds the total assessed value of the taxable property in said areas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended Project Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 6: At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of Council Bluffs referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 7: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to continue the division of taxes from property within the Original Project Area and Amendment No. 2 Area under the provisions of Section 403.19

of the Code of Iowa, as authorized in Ordinance Nos. 5607 and 5905, and to fully implement the provisions of Section 403.19 of the Code of Iowa with respect to the division of taxes from property within the Amendment No. 3 Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Amended Project Area and the territory contained therein.

Section 8: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____,
2008.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

Read first time: September 22, 2008

Read second time: October 13, 2008

Read third time: _____

PASSED AND APPROVED: _____

PUBLISHED: _____

DLILLEBO\591825.1\WP10342.086

Council Communication - updated

Department: Community Development Case No. AN-08-001 Applicant: City of Council Bluffs	Resolution No. <u>08-261</u>	City Council: October 13, 2008 Planning Commission Meeting: August 12, 2008
Subject/Title Voluntary annexation of approximately 230 acres abutting the southeast corporate boundary as shown on Exhibit 'A' and legally described as: The West half of the Southwest quarter of Section 17-44-43, except the east 942.49 feet of the south 636.43 feet, lying north and east of the BNSF railroad, Lewis Township, Pottawattamie County, Iowa; and The Southeast quarter of Section 18-74-43 and a 0.28 acre triangle in the northwest corner of the Northwest quarter of the Northeast quarter of Section 19-74-43, Lewis Township, Pottawattamie County, Iowa.		
Background/Discussion The Community Development Department initiated voluntary annexation of land adjacent to the south and east corporate boundary as shown in Exhibit 'A'. The intent is to extend the City limits in an orderly and uniform manner. This annexation creates a uniform border directly abutting land to the south which will likely be acquired by the State in the near future. This annexation is an initial step to assure that a potential development area is annexed in a timely manner and removing the potential for creating an island and to allow municipal improvements/infrastructure to be planned for, designed and extended as development occurs. Change in land use for this area is not imminent. Camenzind and Krejci, the large private owners have both agreed to voluntary annexation. Arthur Camenzind owns 47 acres abutting property to the west within the City. A 0.28 acre triangle to the south was added due to physical constraints (railroad and drainage conveyance) which effectively surround the land. The Frank Krejci Trust owns 49 acres from Interstate right-of-way east to 192 nd Street. The Camenzind and Krejci lands are farmed, assessed as agricultural land and will likely remain in agricultural production in the near future. Both Utilicorp (one acre) and SIRE (1.2 acres) have returned documents agreeing to the voluntary annexation of their property. The Mosquito Creek Drainage District is controlled by the City of Council Bluffs and has been included in the annexation area. The responsibilities of the District as well as the levy on property assessed by the drainage district remain the same regardless of annexation. Interstate right-of-way, which passes through the proposed area is also in the public domain and has been incorporated into the annexation. Railroad property, owned by CBEC and Burlington Northern Santa Fe, can be included without affecting the voluntary nature of the annexation. Both the railroads and IDOT have been notified of the proposed annexation. Corar Inc. owns 10.20 acres in the southeast corner. They elected not to consent to voluntary annexation and the land has been removed from the study area. All 230 acres are currently zoned A-3/Exclusive Agriculture in the County's classification system. §15.02.050 of the Zoning Ordinance was amended in October 2007 to make clear the status of existing zoning upon annexation. It states 'Annexed land shall retain the same zoning		

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classification after annexation that it had prior to annexation. Those regulations shall remain in place until the City completes the legislative action to rezone the property.' The City will initiate rezoning to the A-2/Parks, Estates and Open Space classification after annexation is approved by the Secretary of State.

ANNEXATION - Chapter 368 of the Iowa Code sets out the procedure for municipal annexation of territory. The property owners involved agree to voluntary annexation. No other property is involved. The map showing the relationship of the property to the current City boundary and legal description are provided. This annexation proposal is consistent with the voluntary annexation procedure set forth in the Iowa Code. The Community Development Department finds the following:

- A. The area proposed for annexation adjoins the City's corporate boundaries.
- B. The proposed annexation will not create an island of County land surrounded by the City or restrict potential future annexation in any direction. This action by the City minimizes the risk of creating an island hindering future growth.
- C. The proposed annexation creates a uniform boundary.
- D. City services will not be adversely affected if the land is annexed. Utilities, including sanitary sewer, can be extended with sufficient capacity to serve the additional territory when development occurs to justify the expense.
- E. The proposed annexation is in the best interest of the City.

Recommendation

Based on the findings above, the Community Development Department recommends voluntary annexation of approximately 230 acres, as shown in Exhibit 'A' and legally described as:

The West half of the Southwest quarter of Section 17-44-43, except the east 942.49 feet of the south 636.43 feet, lying north and east of the BNSF railroad, Lewis Township, Pottawattamie County, Iowa; and

The Southeast quarter of Section 18-74-43 and a 0.28 acre triangle in the northwest corner of the Northwest quarter of the Northeast quarter of Section 19-74-43, Lewis Township, Pottawattamie County, Iowa.

Public Hearing

Gayle Malmquist appeared in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

Based on the findings identified in the staff report, the Planning Commission recommends voluntary annexation of approximately 230 acres as shown in Exhibit 'A' and legally described as:

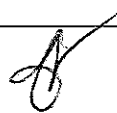
The West half of the Southwest quarter of Section 17-44-43, except the east 942.49 feet of the south 636.43 feet, lying north and east of the BNSF railroad, Lewis Township, Pottawattamie County, Iowa; and

The Southeast quarter of Section 18-74-43 and a 0.28 acre triangle in the northwest corner of the Northwest quarter of the Northeast quarter of Section 19-74-43, Lewis Township, Pottawattamie County, Iowa.

VOTE: AYE 9 NAY 0 ABSTAIN 0 ABSENT 2 Motion: Carried

Attachment: Exhibit 'A'

Prepared by: Gayle M. Malmquist, Development Services Coordinator



PREPARED BY: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-261

A RESOLUTION approving voluntary annexation of approximately 230 acres abutting the southeast corporate boundary.

WHEREAS, the Community Development Department initiated voluntary annexation of approximately 230 acres adjacent to the south and east corporate boundary, as shown on Exhibit "A"; and

WHEREAS, Camenzind (47 acres) and Krejci (49 acres) have both agreed to voluntary annexation; and

WHEREAS, all 230 acres are currently zoned A-3/Exclusive Agriculture in the County's classification system. Rezoning to the city classification of A-2/Parks, Estates and Open Space will be initiated after annexation is approved by the Secretary of State; and

WHEREAS, this annexation proposal is consistent with the voluntary procedure set out in Chapter 368 of the Iowa Code; and

WHEREAS, the Community Development Department finds as follows:

1. The area proposed for voluntary annexation adjoins the City's corporate boundaries.
2. The proposed annexation will not create an island of County land surrounded by the City or restrict potential future annexation in any direction. This action by the City minimizes the risk of creating an island hindering future growth.
3. The proposed annexation creates a uniform boundary.
4. City services will not be adversely affected if the land is annexed. Utilities, including sanitary sewer, can be extended with sufficient capacity to serve the additional territory when development occurs to justify the expense.

5. The proposed annexation is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

This City Council hereby approves the voluntary annexation of approximately 230 acres, as shown in Exhibit "A", and legally described as follows:

The West half of the Southwest quarter of Section 17-44-43, except the east 942.49 feet of the south 636.43 feet, lying north and east of the BNSF Railroad, Lewis Township, Pottawattamie County, Iowa; and

The Southeast quarter of Section 18-74-43 and a 0.28 acre triangle in the Northwest corner of the Northwest quarter of the Northeast quarter of Section 19-74-43, Lewis Township, Pottawattamie County, Iowa.

BE IT FURTHER RESOLVED

That the City Clerk shall file a copy of this resolution and attachments with the Secretary of State, Pottawattamie County Board of Supervisors, each affected public utility, and the State Department of Transportation, as required in Section 368.7, Code of Iowa; and

BE IT FURTHER RESOLVED

That the City Clerk shall record a copy of this resolution and attachments with the Pottawattamie County Recorder, as required in Section 368.7, Code of Iowa.

ADOPTED
AND
APPROVED October 13, 2008

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk



EXHIBIT 'A'

PROOF OF PUBLICATION

STATE OF IOWA POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof

began on the 18th day of August, 2008
the 2nd on the _____ day of _____, 2008
the 3rd on the _____ day of _____, 2008
the 4th on the _____ day of _____, 2008
the 5th on the _____ day of _____, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 2nd day of September, A.D. 2008.


NOTICE OF ACTION BY THE COUNCIL BLUFFS CITY COUNCIL ON PROPOSED VOLUNTARY ANNEXATION OF PROPERTY TO WHICH IT MAY CONCERN.

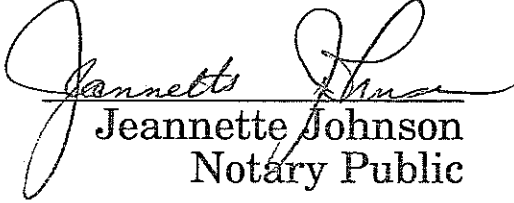
The City of Council Bluffs has initiated voluntary annexation of approximately 220 acres of territory, including the south and east corporate boundary extending to the centerline of 192nd Street, legally described as:

The W 1/2 of the SW 1/4 of Section 17-4-43, Lewis Township, Pottawattamie County, Iowa; and the SE 1/4 of Section 18-4-43 and a 0.20 acre triangle in the Northwest corner of the NW 1/4 NE 1/4 of Section 19-4-43, Lewis Township, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held and the City Council of the City of Council Bluffs, Iowa, will take action on the request for voluntary annexation of the property described above at its regular meeting to be held at 7:00 p.m. on the 8th day of September, 2008, in the Pease Street Council Bluffs, Iowa, at which time and place all persons interested in said matter will be given an opportunity to be heard.

JUDITH RIDGELY, City Clerk
Planning Case No. AN-08-001
2008/09/18 - 1 Monday


Amy McKay
Daily Nonpareil Controller


Jeannette Johnson
Notary Public

Filed this 2nd day of September, A.D. 2008
Publication Cost: \$ 15.10
Proof of Publication Fee: \$ —



35700

PROOF OF PUBLICATION

STATE OF IOWA POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof

began on the 18th day of August, 2008
the 2nd on the _____ day of _____, 2008
the 3rd on the _____ day of _____, 2008
the 4th on the _____ day of _____, 2008
the 5th on the _____ day of _____, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 2nd day of September, A.D. 2008.

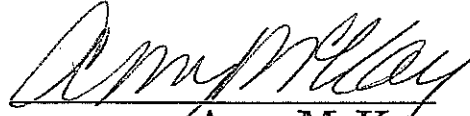
NOTICE OF ACTION BY THE COUNCIL BLUFFS CITY COUNCIL ON PROPOSED VOLUNTARY ANNEXATION OF PROPERTY TO WHOM IT MAY CONCERN:

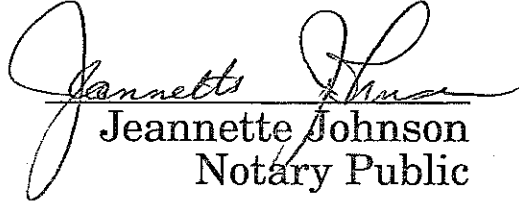
The City of Council Bluffs has initiated voluntary annexation of approximately 230 acres of territory, abutting the south and east corporate boundary extending to the centerline of 182nd Street, legally described as:

The W 1/2 of the SW 1/4 of Section 17-4-43, except the East 942.49 feet of the South 634.43 feet, Lewis Township, Pottawattamie County, Iowa; and the SE 1/4 of Section 18-7-43 and a 0.23 acre triangle in the Northwest corner of the NW 1/4 NE 1/4 of Section 18-7-43, Lewis Township, Pottawattamie County, Iowa.

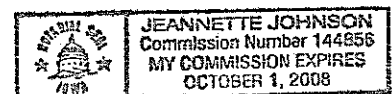
You are further notified that a public hearing on said matter will be held and the City Council of the City of Council Bluffs, Iowa, will take action on the request for voluntary annexation of the property described above at its regular meeting to be held at 7:00 p.m. on the 8th day of September, 2008, in the City Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, Iowa, at which time and place all persons interested in said matter will be given an opportunity to be heard.

AUDITH HARBRECK, City Clerk
Planning Case No. AY-08-001
2008 (9) 18 - 1 Monday


Amy McKay
Daily Nonpareil Controller


Jeannette Johnson
Notary Public

Filed this 2nd day of September, A.D. 2008
Publication Cost: \$ 15.00
Proof of Publication Fee: \$ —



Council Communication

Department: Community Development Case No. SUB-08-006 Case No. PC-08-005 Applicant: Rod Rhoden 4111 So. 144 St. Omaha, NE 68137	Resolution No. <u>08-281</u>	City Council: October 13, 2008 Planning Commission Meeting: September 9, 2008
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Subject/Title

Preliminary plan review for a 10 lot commercial subdivision and adoption of the Planned Commercial Development Plan for a subdivision to be known as Southtowne. This 21.55 acre tract is in Lots 1, 2 and 3, Rhodens Subdivision and the east 637.83' lying north of the highway in the SW¼ SE¼ of Section 12-74-44, located at the northwest corner of Veterans Memorial Highway (Hwy 275) and South Expressway (Hwy 192).

Background/Discussion

Rod Rhoden is requesting preliminary plan approval for a 10 lot commercial subdivision to be known as Southtowne and adoption of a planned commercial development plan for 21.55 acres located at the northeast corner of Veterans Memorial Highway and the South Expressway. It will be developed in two phases, shown as Phase 1-A and 1-B. Phase 1-A includes Lots 1 through 8 and the public streets/infrastructure. Lots 9 and 10 and wetland mitigation will come later. Ordinance No. 5833 on February 14, 2005 rezoned this land to PC/Planned Commercial from C-2 Commercial and I-2/General Industrial. The zoning is appropriate for the intended commercial uses. Preliminary subdivision plans and development plans are subject to review and recommendation by the Planning Commission and final approval by the City Council.

Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04 – Subdivision Ordinance). The proposed development is generally consistent with the intent and purpose of the Subdivision and Zoning Ordinances. Sewer, water and other utilities are available and can be extended with adequate capacity to serve the proposed uses. The developer bears the cost to extend the utilities to the subdivision and service to each lot.

Access to each lot will be from new public streets built to City standards. Both East Manawa Drive and Southtowne Avenue will be 41' wide, concrete, curbed and gutted roadways on 72' wide right-of-way, extending to a signalized intersection at Veterans Memorial Highway and the South Expressway, respectively. The new portion of East Manawa Drive will align with the existing roadway to the south. Additional land for this street and at South Expressway on the north for Southtowne Avenue will be acquired by the developer from the effected property owner and incorporated into the final plat. Southtowne Drive and Southtowne Street are 31' wide roadways on 60' wide right-of-way. Access to Lots 1 and 8 is limited to Southtowne Drive. One drive is permitted per lot and where practical, shared driveways are encouraged along Southtowne Drive, with cross access and shared maintenance agreements between/ among the effected lots. The drives should also be aligned with the future options for Phase 1-B development. No additional entrances to the subdivision will be allowed from either Veterans Memorial or the South Expressway. The typical sections for the streets are acceptable as shown on Sheet 1 of 2.

Based upon the Traffic Impact study presented with the application, Public Works requires a new traffic signal at the South Expressway and Southtowne Avenue intersection and enhancements to the signal at Veterans Memorial Highway and East Manawa Drive. Southtowne Street will be at an unsignalized, right-in, right-out entrance to Veterans Memorial Highway. The signal improvements shall be completed with the Phase 1-A roadway construction.

An 18" sanitary sewer is shown in Southtowne Drive right-of-way. A minimum of 15' on each side of the centerline is required. Additional land for the sanitary sewer will be acquired by the developer to connect the sewer to the existing facilities to the east and also to Richland Drive Pump Station on the northwest.

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A drainage study was submitted with the application and further revised. Additional retention capacity is needed as well as extension of pipe to drain the Southtowne Drive/East Manawa Drive intersection. Wetlands mitigation will be required as part of the Phase 1-B improvements. A letter of map amendment is needed prior to any construction on the site. Known as a CLOMR-F, the Corps of Engineers will need to review and approve the fill for both Phase 1-A and Phase 1-2.

The applicant has requested a water main extension agreement from the Water Works. A 16" main extends east/west in Veterans Memorial Highway right-of-way and a 12" line is on the west side of the South Expressway. An 8" line is shown in the Southtowne roadways. Water Works is requesting a 12" line to assure adequate capacity due to unknown future use. Final determination of hydrant needs and locations will be reviewed and approved with the construction drawings.

MidAmerican Energy has overhead electric facilities located in right-of-way on the northwest corner of the South Expressway and Veterans Memorial Highway which will not conflict with this development. Service from a three phase overhead line which served a building at 100 South Omaha Bridge Road has been removed. All electric facilities in the subdivision shall be underground. The developer will be responsible for installing a conduit system and providing easements for the underground electric facilities on the site. MidAmerican will determine the route based upon a final site plan and proposed electric loads. They require a 15' underground easement for all facilities.

Streetlights along the public streets and in parking areas within the site will be installed at no cost to the City. Locations and style of lighting were not provided.

The size and number of parking spaces and the width of the drive lanes appear consistent with the requirements of the Zoning Ordinance. With an estimated 128,350 square feet of space, 642 spaces are required for general retail use and approximately 809 are shown. Turning radii, access for emergency responders and composition of the hard surfacing will be reviewed and approved with construction drawings. Parking adequacy will be reviewed with each building permit application.

A 10' wide trail is shown along the South Expressway and along the East Manawa Drive street frontage of Lot 8. A five foot wide sidewalk is shown along the south side of Southtowne Drive and Southtowne Avenue. The sidewalk will also extend to the drive entrances of Lots 5 and 6. The trail segment extensions are intended to encourage pedestrians to cross the highway at East Manawa Drive. Sidewalk is not required along the north side of Veterans Memorial Highway.

The general site layout (building footprints and parking) as shown on the development plan, with the exception of the drive access points discussed elsewhere, is acceptable. The locations of the trash enclosures as shown are not approved. Landscaping shown on the development plan as shown is generally acceptable however; additional trees/shrubs are needed within the large parking area in Lot 1 to break up the mass of hard surfacing. Perennial and annual beds are proposed at the South 24th Street entrance and within the lifestyle center. As noted in the plan, all planted areas will be irrigated.

Signage. An entrance study completed by Iowa West Foundation has designated the intersection of Veterans Memorial Highway and South Expressway for special design treatment. The development plan shows a ground identification sign the right-of-way at that location and another at the Veterans Memorial and East Manawa Drive intersection. All signs at this location must be on-premise. The application asks for one monument sign on each lot with a maximum area of 48 square feet. Attached signage would be limited to a maximum of 36' in height.

Recommendation

The Community Development Department recommends:

- A. Preliminary plan approval for a subdivision to be known as Southtowne as shown on the attachments, subject to the following conditions, notes and exceptions.

1. Conform to all City standards and specifications, the zoning and subdivision ordinances, including §14.14.040 – Subdivision Design and Required Improvements and the Public Works Standards for Public Improvements.
2. All utilities shall be installed underground.
3. Streetlights shall be installed at locations approved by the Public Works Department.
4. The Developer shall be responsible for constructing the off-site improvements consistent with the revised traffic study and Public Works Department requirements. Off-site improvements shall include the following:
 - A. A traffic signal shall be installed at the intersection of South Expressway and Southtowne Avenue and controller enhancements completed to the existing signal along Veterans Memorial Highway.
 - B. Additional land for the storm sewer easement extending north from East Manawa Drive.
 - C. Additional land from the effected property owners for a 30' wide sanitary sewer easement to connect to existing facilities to the east, north of Veterans Memorial Highway and also to the north and west to connect to the Richland Drive Pump Station.
 - D. Dedication of additional right-of-way along the South Expressway to incorporate the 10' wide trail segment shown straddling the west property line.
5. Prepare and submit a development fill plan for Phase 1-A for review by the Corps of Engineers to secure a CLOMR-F. Building permits will not be issued for the subdivision until the CLOMR-F has been issued. Likewise, a letter of map amendment will also be needed prior to beginning construction on Phase 1-B.
6. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way, during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. The erosion and sediment control plan shall include temporary and permanent vegetative cover on all disturbed areas, structural measures and a maintenance and inspection program to address removal of sediment during construction and following any rainfall event. The proper review authority shall approve all necessary local and state permits, including a storm water pollution prevention plan and grading permits. Storm drainage designed for a 100-year rainfall event shall be stored within the site to discharge at levels not to exceed the predevelopment runoff amounts. A revised drainage plan shall be completed to include volume expectations based on Public Works design standards and coordination with the drainage capacity of the broader area. The proposed detention basin shall be sized accordingly. All applicable permits necessary to meet local state and federal requirements shall be the developer's responsibility.
7. Complete arrangements for the water main extension agreement with the Council Bluffs Water Works for appropriately sized and designed water supply to each lot.
8. Install fire hydrants at locations that comply with the minimum spacing requirements of the Water Works and the fire safety codes.
9. Trail segments (10' wide) along South Expressway and East Manawa Drive and the 5' wide sidewalk along the Southtowne Avenue frontage of Lot 1, built to City standards shall be completed concurrent with roadway construction in Phase 1-A. The remaining sidewalk along Southtowne Drive and Avenue, as shown on the development plan, shall be installed prior to issuance of the Certificate of Occupancy for each lot.
10. Streetlights paid for as part of the development cost shall comply with Public Works Department standards.
- 11. All billboards (off-premise signage) shall be removed from the site prior to execution of the final plat.**

B. Approve the Planned Commercial Development Plan for Southtowne subject to the following:

1. Site Development
 - A. Minimum setback requirements for all structures shall be: Front 20 feet, Rear 15feet; Interior side 10 feet; and Street side: 15 feet.
 - B. Southtowne Drive shall be the front yard of Lots 1 through 8 in Phase 1-A and Lots 9 and 10 in Phase 1-B.
 - C. The maximum height of any building, structure or decorative feature for Phase 1-A lots shall not exceed 25 feet. Building, structure and decorative feature in Phase 1-B lots shall not exceed 45feet or three stories. Parapet walls not to exceed 4' to hide mounted equipment from view. Curved roofs shall be standing seam only. Pitched roofs shall be slate or concrete shingles or standing seam. Not more

than 15% of the building using a pitched roof shall exceed the 25' height restriction.

D. All trash receptacles shall be enclosed on three sides and screened from public view with materials similar to those of the primary building. The enclosures shall have a lockable gate which when closed completely eliminates any view of the dumpster. The location will be approved with the building permit application.

E. All loading areas shall be screened from public view including all rights-of-way by a combination of architectural treatments and or landscaping which after 3 years shall significantly screen the loading area from view.

F. Each building will have a minimum of two and a maximum of three primary building materials, excluding glass. Primary building materials shall be: Brick (clay) or brick veneer, split face block, natural or composite stone or stone veneer laid horizontally and granite veneer. Secondary building materials shall be: precast concrete with exposed aggregate and sufficient detail, pattern or reveals to give texture and scale, cast in place concrete with exposed aggregate and sufficient detail, pattern or reveals to give texture and scale and integrally colored split-faced concrete block. Metal shall only be allowed as an architectural accent. Glass is permitted on any exterior. Forty percent (40%) or more but not to exceed 80% of the building's front façade or other street facing façade shall be made of brick, split face block, concrete masonry units with texture or stone. Stucco products cannot exceed 40% of the building surface. No flat faced concrete block shall be allowed except for the wall of the building which is not visible from a public space or right-of-way. Wood or wood appearing siding may be an acceptable exterior material, not to exceed 10% of the building surface. Vinyl siding is not allowed.

G. Access to each building for fire department equipment shall be provided in accordance with the requirements of the Fire Marshall's Office.

2. Landscape Plan

A. During construction and prior to installation of the landscaping, weeds shall be controlled consistent with both City and State requirements.

B. All landscaped areas including grassed and sodded areas shall be irrigated.

C. As part of the development plan approval for Phase 1-A, trees shall be planted 40' on center along the subdivision's frontage along Veteran s Memorial and South Expressway and along both the east and west sides of East Manawa Drive right-of-way.

D. A specific landscaping plan shall be part of every building permit application. The plan shall include the irrigation system and planting schedule, the species list with number and location of all plant material within a dimensioned site plan. The plan will be reviewed for consistency with the concept plan. The trees and shrubs shown on each lot are generally acceptable. Landscaping shall be installed prior to issuance of a Certificate of Occupancy for the lot.

E. Not more than 10% of the landscaped area in each lot in the subdivision shall be of inorganic material brick, stone, aggregate, metal or artificial turf. Organic mulch may be used around trees and shrubs.

F. Landscaping shall not interfere with the vision of any motorized vehicle at any intersection or pedestrian way.

G. All trees shall be at least 2" diameter or greater when planted.

H. Not less than 10% of the total lot area shall be landscaped with trees, shrubs and other plant material.

I. In addition to the trees planted on the subdivision perimeter, a minimum of one tree shall be planted on each lot for every 10 parking spaces located on that lot.

3. Parking

A. The required minimum number of parking spaces shall be determined the use as cited in Chapter 15.23 'Off Street Parking, Loading and Unloading' requirements. In cases where several uses occupy a structure or parcel of land the total requirement for off-street parking shall be the sum of the requirement of the different uses.

B. The developer shall develop cross access and ingress/egress easements to be recorded with the final plat to accommodate shared parking and driveways.

C. Each request for a building permit will include a parking lot plan showing the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas, and lighting.

- D. Pedestrian ways connecting the building entrance to parking and sidewalks are required.
 - E. All parking areas will be paved and curbed.
 - F. All parking areas shall comply with ADA requirements.
 - G. All exterior lighting in parking lots within the development shall be of a consistent type, finish and design of painted or finished aluminum or steel. Wood poles shall not be allowed. The maximum height shall not exceed 40 feet.
4. Signage
- A. One center sign located at the intersection of Veterans Memorial Highway and East Manawa Drive. This shall be monument sign with maximum height of 10'. Design shall be reviewed and approved administratively. Location and sign easement shall be included in the final plat as needed.
 - B. Detached signage shall be limited to one monument sign per lot with a maximum height of 6 feet. The entire monument shall be counted as signage as measured from the existing finish grade to the top of the monument and from one side of the monument structure to the other with a maximum area on each side not to exceed 48 square feet per face.
 - C. On-site directional signage will not be permitted due to the allowance for individual monument signs on each lot.
 - D. Attached signs placed above the entrance shall not exceed 36" in height and 1.5 square feet per linear foot of the building to which it is attached, with a maximum of one sign per façade, not to exceed three signs.
 - E. For attached signs, general sign parameters encourage individual illuminated letters, preferring reverse channel halo lighting, limited to the business or trade name of the premises as it appears on the lease.
 - F. Pole signs, pylon signs and above peak roof signs are not permitted.
 - G. Amendment to the development plan for signage will be necessary for the Phase 1-B development.

Public Hearing

The following appeared before the Planning Commission in favor of the request: Deb Petersen, representing Rod Rhoden. Ron Ross and Mike Geier, Snyder Associates.. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission concurs with the conditions in the staff report except that timing for removal of the south billboard will be defined in a development agreement for the site.

VOTE: AYE 9 NAY 1 ABSTAIN 0 ABSENT 1 Motion: Carried

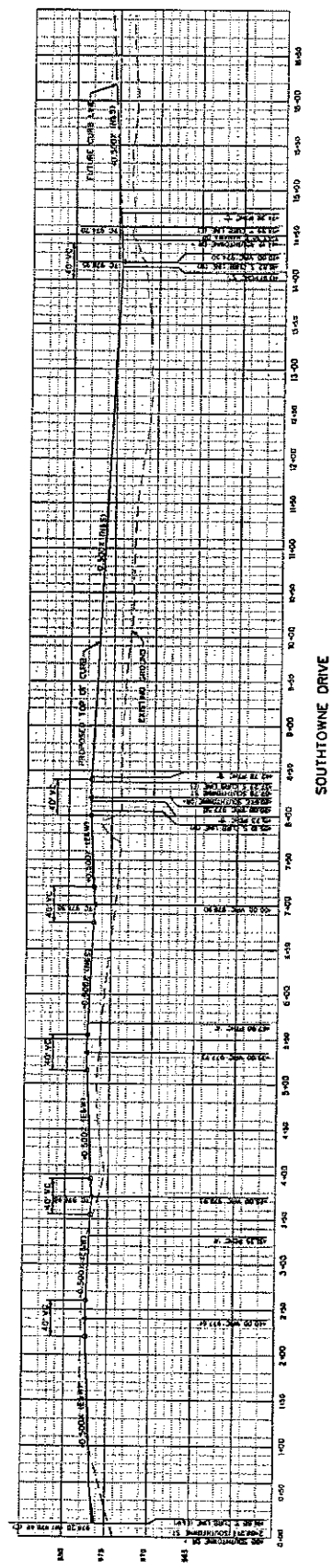
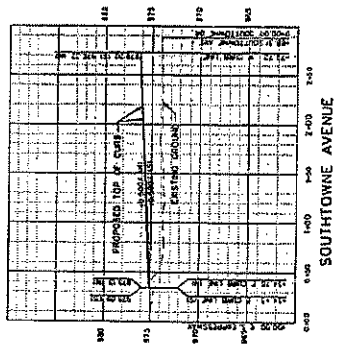
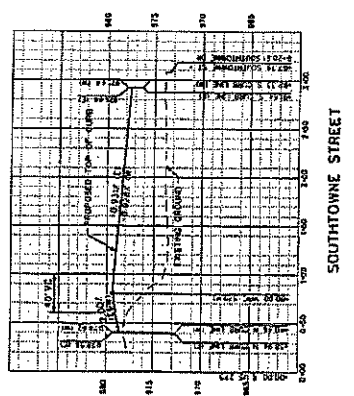
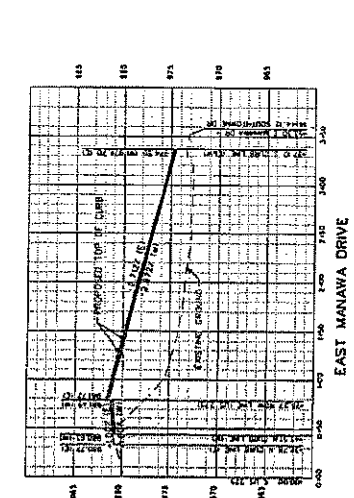
Attachments: Attachment 'A', drainage plan and development concept plan

Represented by: Deb Petersen, P.O. Box 893, Council Bluffs, IA 51502-0893

Snyder Associates, Ron E. Ross, 1751 Madison Ave, Council Bluffs, IA 51503

Prepared by: Gayle M. Malmquist, Development Services Coordinator



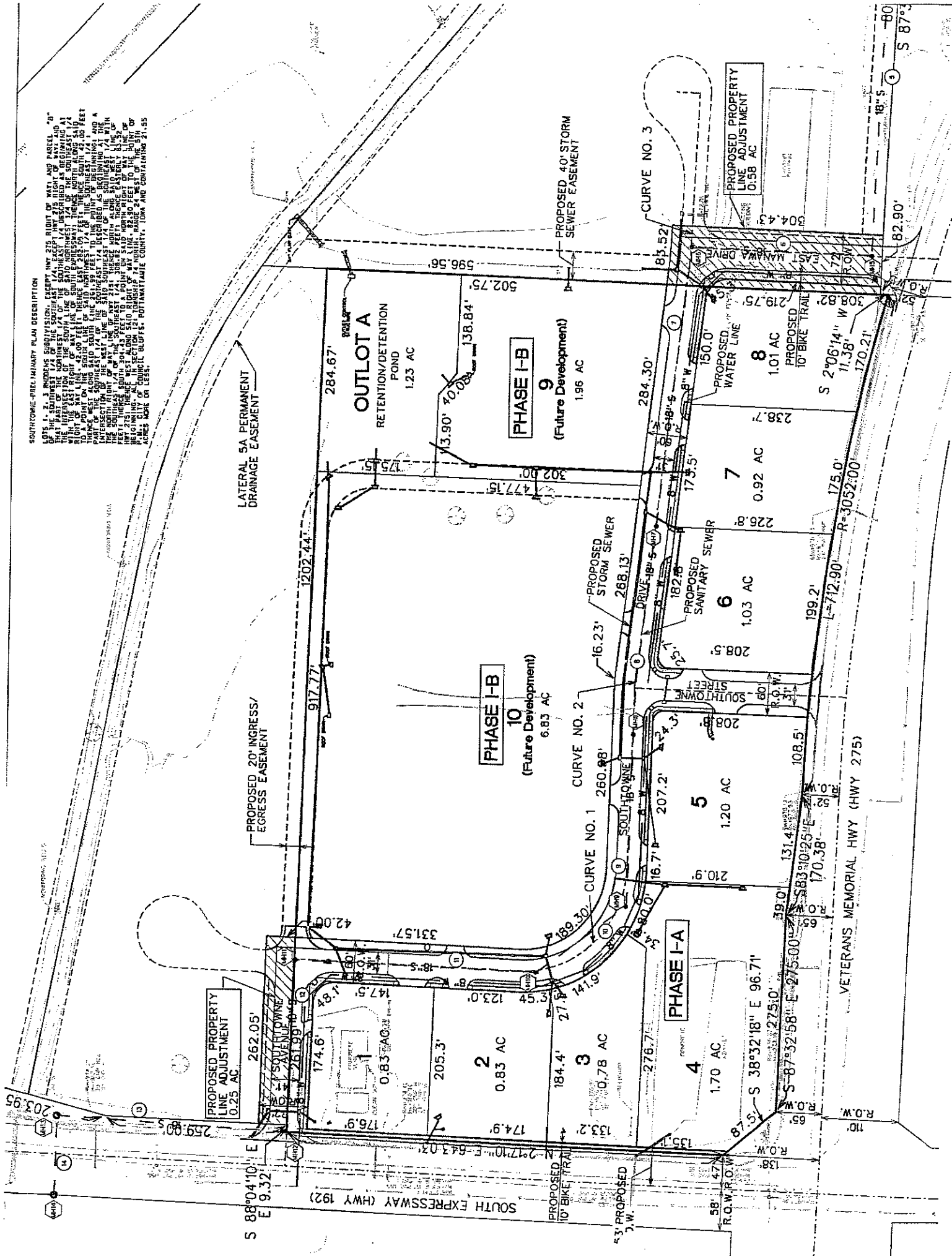


Pvc Length Feet	PVC SANITARY SEWER TABLE	Pipe Length (Feet)	In	Length (ft)	Soc. (ft)	Tees	
						1/2	3/4
1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5
6	6	6	6	6	6	6	6
7	7	7	7	7	7	7	7
8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9
10	10	10	10	10	10	10	10
11	11	11	11	11	11	11	11
12	12	12	12	12	12	12	12
13	13	13	13	13	13	13	13
14	14	14	14	14	14	14	14
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94	94	94	94	94	94	94	94
95	95	95	95	95	95	95	95
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97	97	97	97	97	97	97	97
98	98	98	98	98	98	98	98
99	99	99	99	99	99	99	99
100	100	100	100	100	100	100	100

LINE NO.	STATION	SARTARY SEWER MANHOLE TABLE			
		Flow (MGD)	Flow (MGD)	Flow (MGD)	Flow (MGD)
1	1+00	0.00	0.00	0.00	0.00
2	2+00	0.00	0.00	0.00	0.00
3	3+00	0.00	0.00	0.00	0.00
4	4+00	0.00	0.00	0.00	0.00
5	5+00	0.00	0.00	0.00	0.00
6	6+00	0.00	0.00	0.00	0.00
7	7+00	0.00	0.00	0.00	0.00
8	8+00	0.00	0.00	0.00	0.00
9	9+00	0.00	0.00	0.00	0.00
10	10+00	0.00	0.00	0.00	0.00
11	11+00	0.00	0.00	0.00	0.00
12	12+00	0.00	0.00	0.00	0.00
13	13+00	0.00	0.00	0.00	0.00
14	14+00	0.00	0.00	0.00	0.00
15	15+00	0.00	0.00	0.00	0.00
16	16+00	0.00	0.00	0.00	0.00
17	17+00	0.00	0.00	0.00	0.00
18	18+00	0.00	0.00	0.00	0.00
19	19+00	0.00	0.00	0.00	0.00
20	20+00	0.00	0.00	0.00	0.00
21	21+00	0.00	0.00	0.00	0.00
22	22+00	0.00	0.00	0.00	0.00
23	23+00	0.00	0.00	0.00	0.00
24	24+00	0.00	0.00	0.00	0.00
25	25+00	0.00	0.00	0.00	0.00
26	26+00	0.00	0.00	0.00	0.00
27	27+00	0.00	0.00	0.00	0.00
28	28+00	0.00	0.00	0.00	0.00
29	29+00	0.00	0.00	0.00	0.00
30	30+00	0.00	0.00	0.00	0.00
31	31+00	0.00	0.00	0.00	0.00
32	32+00	0.00	0.00	0.00	0.00
33	33+00	0.00	0.00	0.00	0.00
34	34+00	0.00	0.00	0.00	0.00
35	35+00	0.00	0.00	0.00	0.00
36	36+00	0.00	0.00	0.00	0.00
37	37+00	0.00	0.00	0.00	0.00
38	38+00	0.00	0.00	0.00	0.00
39	39+00	0.00	0.00	0.00	0.00
40	40+00	0.00	0.00	0.00	0.00
41	41+00	0.00	0.00	0.00	0.00
42	42+00	0.00	0.00	0.00	0.00
43	43+00	0.00	0.00	0.00	0.00
44	44+00	0.00	0.00	0.00	0.00
45	45+00	0.00	0.00	0.00	0.00
46	46+00	0.00	0.00	0.00	0.00
47	47+00	0.00	0.00	0.00	0.00
48	48+00	0.00	0.00	0.00	0.00
49	49+00	0.00	0.00	0.00	0.00
50	50+00	0.00	0.00	0.00	0.00
51	51+00	0.00	0.00	0.00	0.00
52	52+00	0.00	0.00	0.00	0.00
53	53+00	0.00	0.00	0.00	0.00
54	54+00	0.00	0.00	0.00	0.00
55	55+00	0.00	0.00	0.00	0.00
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58	58+00	0.00	0.00	0.00	0.00
59	59+00	0.00	0.00	0.00	0.00
60	60+00	0.00	0.00	0.00	0.00
61	61+00	0.00	0.00	0.00	0.00

SUBDIVISION PRELIMINARY PLAN DESCRIPTION

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PROPOSED PROPERTY LINE ADJUSTMENT
0.25 AC

SOUTH EXPRESSWAY (HWY 192)

PROPOSED 10' BIKE TRAIL

PROPOSED 3' PROPOSED

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

S 88°04'10" E 9.32'

262.05'

176.9'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

174.6'

OUTLET A
RETENTION/DETENTION
POND
1.23 AC

PHASE I-B
(Future Development)
9
1.96 AC

PHASE I-B
(Future Development)
10
6.83 AC

PHASE I-A

S 38°32'18" E 96.71'

275.00'

170.38'

131.4'

108.5'

199.2'

175.0'

208.5'

208.5'

208.5'

208.5'

208.5'

208.5'

208.5'

208.5'

208.5'

208.5'

208.5'

208.5'

208.5'

VETERANS MEMORIAL HWY (HWY 275)

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

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R.O.W.

R.O.W.

R.O.W.

R.O.W.

R.O.W.

PROPOSED PROPERTY LINE ADJUSTMENT
0.58 AC

CURVE NO. 3

PROPOSED 40' STORM SEWER EASEMENT

596.56'

502.75'

138.84'

13.90'

40.08'

284.67'

175.5'

302.00'

477.15'

1202.44'

917.77'

284.30'

175.5'

150.0'

150.0'

150.0'

150.0'

150.0'

150.0'

150.0'

150.0'

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150.0'

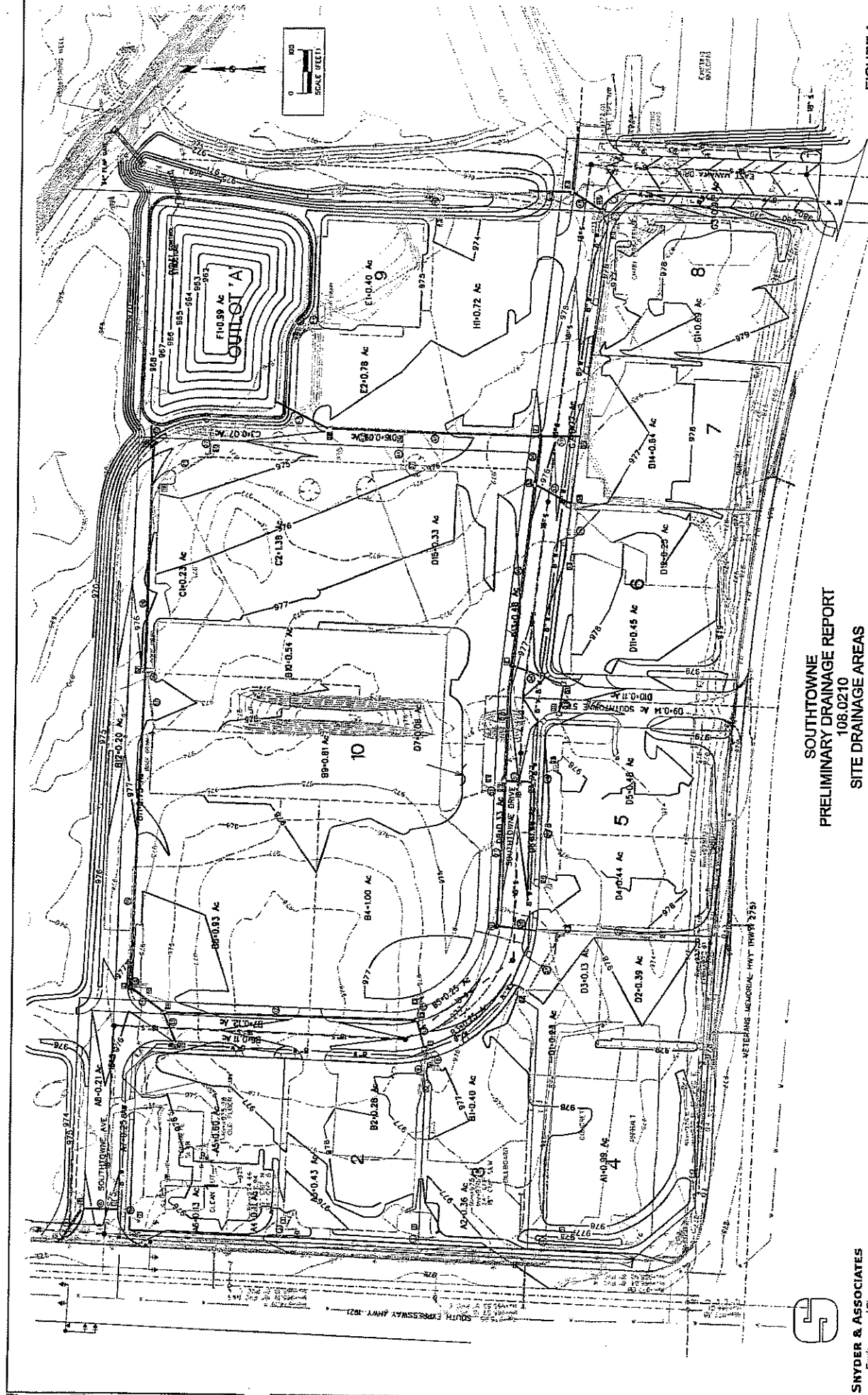
150.0'

150.0'

150.0'

150.0'

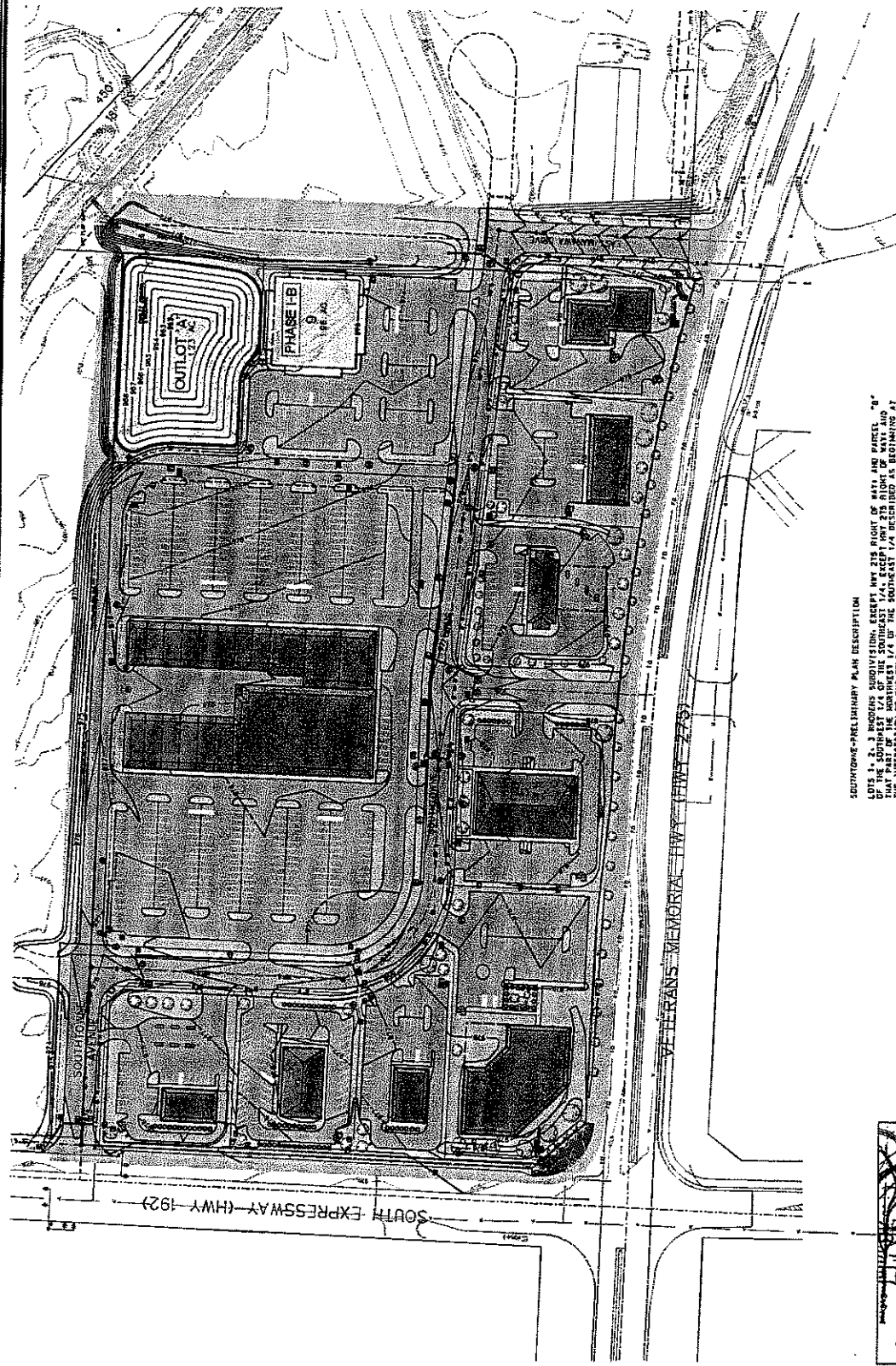
150.0'



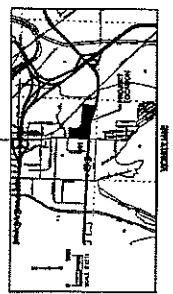
SNYDER & ASSOCIATES
Engineers and Planners

**SOUTHTOWNE
PRELIMINARY DRAINAGE REPORT
108.0210
SITE DRAINAGE AREAS**

FIGURE A



SOUTH TOWNE - PRELIMINARY PLAN DESCRIPTION
 LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



DWR 81
 SOUTH TOWNE, LLC
 4111 S. 14TH STREET
 DUBUQUE, IA 52002
 DEVELOPER
 SOUTH TOWNE, LLC
 4111 S. 14TH STREET
 DUBUQUE, IA 52002

RESOLUTION NO. 08-281

A RESOLUTION granting preliminary plan approval for a 10-lot commercial subdivision to be known as Southtowne.

WHEREAS, Rod Rhoden is requesting preliminary plan approval for a 10-lot commercial subdivision to be known as Southtowne and adoption of a planned commercial development plan for 21.55 acres located at the northeast corner of Veterans Memorial Highway and South Expressway; and

WHEREAS, Southtowne Subdivision will be developed in two phases, shown as Phase 1-A and 1-B; and

WHEREAS, the preliminary plan has been reviewed by the appropriate city departments and utilities; and

WHEREAS, the Planning Commission concurs with the Community Development Department, and recommends approval of the preliminary plan for a subdivision to be known as Southtowne, as shown on the attachments, subject to the following conditions, notes and exceptions:

1. Conform to all City standards and specifications, the zoning and subdivision ordinances, including Section 14.14.040 – Subdivision Design and Required Improvements and the Public Works Standards for Public Improvements.
2. All utilities shall be installed underground.
3. Streetlights shall be installed at locations approved by the Public Works Department.
4. The Developer shall be responsible for constructing the off-site improvements consistent with the revised traffic study and Public Works Department requirements. Off-site improvements shall including the following:
 - A. A traffic signal shall be installed at the intersection of South Expressway and Southtowne Avenue and controller enhancements completed to the existing signal along Veterans Memorial Highway.
 - B. Additional land for the storm sewer easement extending north from East Manawa Drive.
 - C. Additional land from the affected property owners for a 30' wide sanitary sewer easement to connect to existing facilities to the east, north of Veterans Memorial Highway and also to the north and west to connect to the Richland Drive Pump Station.
 - D. Dedication of additional right-of-way along the South Expressway to incorporate the 10' side trail segment shown straddling the west property line.
5. Prepare and submit a development fill plan for Phase 1-A for review by the Corps of Engineers to secure a CLOMR-F. Building permits will not be

issued for the subdivision until the CLOMR-F has been issued. Likewise, a letter of map amendment will also be needed prior to beginning construction on Phase 1-B.

6. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way, during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. The erosion and sediment control plan shall include temporary and permanent vegetative cover on all disturbed areas, structural measures and a maintenance and inspection program to address removal of sediment during construction and following any rainfall event. The proper review authority shall approve all necessary local and state permits, including a storm water pollution prevention plan and grading permits. Storm drainage designed for a 100-year rainfall event shall be stored within the site to discharge at levels not to exceed the predevelopment runoff amounts. A revised drainage plan shall be completed to include volume expectations based on Public Works design standards and coordination with the drainage capacity of the broader area. The proposed detention basin shall be sized accordingly. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.

7. Complete arrangements for the water main extension agreement with the Council Bluffs Water Works for appropriately sized and designed water supply to each lot.

8. Install fire hydrants at locations that comply with the minimum spacing requirements of the Water Works and the fire safety codes.

9. Trail segments (10' side) along South Expressway and East Manawa Drive and the 5' wide sidewalk along the Southtowne Avenue frontage of Lot 1, built to City standards shall be completed concurrent with roadway construction in Phase 1-A. The remaining sidewalk along Southtowne Drive and Avenue, as shown on the development plan, shall be installed prior to issuance of the Certificate of Occupancy for each lot.

10. Streetlights paid for as part of the development cost shall comply with Public Works Department standards.

11. All billboards (off-premise signage) shall be removed from the site prior to execution of the final plat.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the preliminary plan approval for Southtowne Subdivision, as shown on the attachments, is hereby approved subject to the conditions set forth above.

ADOPTED
AND
APPROVED October 13, 2008

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

Planning Case No. SUB-08-006

Council Communication

Department: Community Development Case No. SUB-08-006 Case No. PC-08-005 Applicant: Rod Rhoden 4111 So. 144 St. Omaha, NE 68137	Resolution No. <u>08-282</u>	City Council: October 13, 2008 Planning Commission Meeting: September 9, 2008
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Subject/Title

Preliminary plan review for a 10 lot commercial subdivision and adoption of the Planned Commercial Development Plan for a subdivision to be known as Southtowne. This 21.55 acre tract is in Lots 1, 2 and 3, Rhodens Subdivision and the east 637.83' lying north of the highway in the SW¼ SE¼ of Section 12-74-44, located at the northwest corner of Veterans Memorial Highway (Hwy 275) and South Expressway (Hwy 192).

Background/Discussion

Rod Rhoden is requesting preliminary plan approval for a 10 lot commercial subdivision to be known as Southtowne and adoption of a planned commercial development plan for 21.55 acres located at the northeast corner of Veterans Memorial Highway and the South Expressway. It will be developed in two phases, shown as Phase 1-A and 1-B. Phase 1-A includes Lots 1 through 8 and the public streets/infrastructure. Lots 9 and 10 and wetland mitigation will come later. Ordinance No. 5833 on February 14, 2005 rezoned this land to PC/Planned Commercial from C-2 Commercial and I-2/General Industrial. The zoning is appropriate for the intended commercial uses. Preliminary subdivision plans and development plans are subject to review and recommendation by the Planning Commission and final approval by the City Council.

Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04 – Subdivision Ordinance). The proposed development is generally consistent with the intent and purpose of the Subdivision and Zoning Ordinances. Sewer, water and other utilities are available and can be extended with adequate capacity to serve the proposed uses. The developer bears the cost to extend the utilities to the subdivision and service to each lot.

Access to each lot will be from new public streets built to City standards. Both East Manawa Drive and Southtowne Avenue will be 41' wide, concrete, curbed and gutted roadways on 72' wide right-of-way, extending to a signalized intersection at Veterans Memorial Highway and the South Expressway, respectively. The new portion of East Manawa Drive will align with the existing roadway to the south. Additional land for this street and at South Expressway on the north for Southtowne Avenue will be acquired by the developer from the effected property owner and incorporated into the final plat. Southtowne Drive and Southtowne Street are 31' wide roadways on 60' wide right-of-way. Access to Lots 1 and 8 is limited to Southtowne Drive. One drive is permitted per lot and where practical, shared driveways are encouraged along Southtowne Drive, with cross access and shared maintenance agreements between/ among the effected lots. The drives should also be aligned with the future options for Phase 1-B development. No additional entrances to the subdivision will be allowed from either Veterans Memorial or the South Expressway. The typical sections for the streets are acceptable as shown on Sheet 1 of 2.

Based upon the Traffic Impact study presented with the application, Public Works requires a new traffic signal at the South Expressway and Southtowne Avenue intersection and enhancements to the signal at Veterans Memorial Highway and East Manawa Drive. Southtowne Street will be at an unsignalized, right-in, right-out entrance to Veterans Memorial Highway. The signal improvements shall be completed with the Phase 1-A roadway construction.

An 18" sanitary sewer is shown in Southtowne Drive right-of-way. A minimum of 15' on each side of the centerline is required. Additional land for the sanitary sewer will be acquired by the developer to connect the sewer to the existing facilities to the east and also to Richland Drive Pump Station on the northwest.

A drainage study was submitted with the application and further revised. Additional retention capacity is needed as well as extension of pipe to drain the Southtowne Drive/East Manawa Drive intersection. Wetlands mitigation will be required as part of the Phase 1-B improvements. A letter of map amendment is needed prior to any construction on the site. Known as a CLOMR-F, the Corps of Engineers will need to review and approve the fill for both Phase 1-A and Phase 1-2.

The applicant has requested a water main extension agreement from the Water Works. A 16" main extends east/west in Veterans Memorial Highway right-of-way and a 12" line is on the west side of the South Expressway. An 8" line is shown in the Southtowne roadways. Water Works is requesting a 12" line to assure adequate capacity due to unknown future use. Final determination of hydrant needs and locations will be reviewed and approved with the construction drawings.

MidAmerican Energy has overhead electric facilities located in right-of-way on the northwest corner of the South Expressway and Veterans Memorial Highway which will not conflict with this development. Service from a three phase overhead line which served a building at 100 South Omaha Bridge Road has been removed. All electric facilities in the subdivision shall be underground. The developer will be responsible for installing a conduit system and providing easements for the underground electric facilities on the site. MidAmerican will determine the route based upon a final site plan and proposed electric loads. They require a 15' underground easement for all facilities.

Streetlights along the public streets and in parking areas within the site will be installed at no cost to the City. Locations and style of lighting were not provided.

The size and number of parking spaces and the width of the drive lanes appear consistent with the requirements of the Zoning Ordinance. With an estimated 128,350 square feet of space, 642 spaces are required for general retail use and approximately 809 are shown. Turning radii, access for emergency responders and composition of the hard surfacing will be reviewed and approved with construction drawings. Parking adequacy will be reviewed with each building permit application.

A 10' wide trail is shown along the South Expressway and along the East Manawa Drive street frontage of Lot 8. A five foot wide sidewalk is shown along the south side of Southtowne Drive and Southtowne Avenue. The sidewalk will also extend to the drive entrances of Lots 5 and 6. The trail segment extensions are intended to encourage pedestrians to cross the highway at East Manawa Drive. Sidewalk is not required along the north side of Veterans Memorial Highway.

The general site layout (building footprints and parking) as shown on the development plan, with the exception of the drive access points discussed elsewhere, is acceptable. The locations of the trash enclosures as shown are not approved. Landscaping shown on the development plan as shown is generally acceptable however; additional trees/shrubs are needed within the large parking area in Lot 1 to break up the mass of hard surfacing. Perennial and annual beds are proposed at the South 24th Street entrance and within the lifestyle center. As noted in the plan, all planted areas will be irrigated.

Signage. An entrance study completed by Iowa West Foundation has designated the intersection of Veterans Memorial Highway and South Expressway for special design treatment. The development plan shows a ground identification sign the right-of-way at that location and another at the Veterans Memorial and East Manawa Drive intersection. All signs at this location must be on-premise. The application asks for one monument sign on each lot with a maximum area of 48 square feet. Attached signage would be limited to a maximum of 36' in height.

Recommendation

The Community Development Department recommends:

- A. Preliminary plan approval for a subdivision to be known as Southtowne as shown on the attachments, subject to the following conditions, notes and exceptions.

1. Conform to all City standards and specifications, the zoning and subdivision ordinances, including §14.14.040 – Subdivision Design and Required Improvements and the Public Works Standards for Public Improvements.
2. All utilities shall be installed underground.
3. Streetlights shall be installed at locations approved by the Public Works Department.
4. The Developer shall be responsible for constructing the off-site improvements consistent with the revised traffic study and Public Works Department requirements. Off-site improvements shall include the following:
 - A. A traffic signal shall be installed at the intersection of South Expressway and Southtowne Avenue and controller enhancements completed to the existing signal along Veterans Memorial Highway.
 - B. Additional land for the storm sewer easement extending north from East Manawa Drive.
 - C. Additional land from the effected property owners for a 30' wide sanitary sewer easement to connect to existing facilities to the east, north of Veterans Memorial Highway and also to the north and west to connect to the Richland Drive Pump Station.
 - D. Dedication of additional right-of-way along the South Expressway to incorporate the 10' wide trail segment shown straddling the west property line.
5. Prepare and submit a development fill plan for Phase 1-A for review by the Corps of Engineers to secure a CLOMR-F. Building permits will not be issued for the subdivision until the CLOMR-F has been issued. Likewise, a letter of map amendment will also be needed prior to beginning construction on Phase 1-B.
6. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way, during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. The erosion and sediment control plan shall include temporary and permanent vegetative cover on all disturbed areas, structural measures and a maintenance and inspection program to address removal of sediment during construction and following any rainfall event. The proper review authority shall approve all necessary local and state permits, including a storm water pollution prevention plan and grading permits. Storm drainage designed for a 100-year rainfall event shall be stored within the site to discharge at levels not to exceed the predevelopment runoff amounts. A revised drainage plan shall be completed to include volume expectations based on Public Works design standards and coordination with the drainage capacity of the broader area. The proposed detention basin shall be sized accordingly. All applicable permits necessary to meet local state and federal requirements shall be the developer's responsibility.
7. Complete arrangements for the water main extension agreement with the Council Bluffs Water Works for appropriately sized and designed water supply to each lot.
8. Install fire hydrants at locations that comply with the minimum spacing requirements of the Water Works and the fire safety codes.
9. Trail segments (10' wide) along South Expressway and East Manawa Drive and the 5' wide sidewalk along the Southtowne Avenue frontage of Lot 1, built to City standards shall be completed concurrent with roadway construction in Phase 1-A. The remaining sidewalk along Southtowne Drive and Avenue, as shown on the development plan, shall be installed prior to issuance of the Certificate of Occupancy for each lot.
10. Streetlights paid for as part of the development cost shall comply with Public Works Department standards.
- 11. All billboards (off-premise signage) shall be removed from the site prior to execution of the final plat.**

B. Approve the Planned Commercial Development Plan for Southtowne subject to the following:

1. Site Development
 - A. Minimum setback requirements for all structures shall be: Front 20 feet, Rear 15feet; Interior side 10 feet; and Street side: 15 feet.
 - B. Southtowne Drive shall be the front yard of Lots 1 through 8 in Phase 1-A and Lots 9 and 10 in Phase 1-B.
 - C. The maximum height of any building, structure or decorative feature for Phase 1-A lots shall not exceed 25 feet. Building, structure and decorative feature in Phase 1-B lots shall not exceed 45feet or three stories. Parapet walls not to exceed 4' to hide mounted equipment from view. Curved roofs shall be standing seam only. Pitched roofs shall be slate or concrete shingles or standing seam. Not more

than 15% of the building using a pitched roof shall exceed the 25' height restriction.

D. All trash receptacles shall be enclosed on three sides and screened from public view with materials similar to those of the primary building. The enclosures shall have a lockable gate which when closed completely eliminates any view of the dumpster. The location will be approved with the building permit application.

E. All loading areas shall be screened from public view including all rights-of-way by a combination of architectural treatments and or landscaping which after 3 years shall significantly screen the loading area from view.

F. Each building will have a minimum of two and a maximum of three primary building materials, excluding glass. Primary building materials shall be: Brick (clay) or brick veneer, split face block, natural or composite stone or stone veneer laid horizontally and granite veneer. Secondary building materials shall be: precast concrete with exposed aggregate and sufficient detail, pattern or reveals to give texture and scale, cast in place concrete with exposed aggregate and sufficient detail, pattern or reveals to give texture and scale and integrally colored split-faced concrete block. Metal shall only be allowed as an architectural accent. Glass is permitted on any exterior. Forty percent (40%) or more but not to exceed 80% of the building's front façade or other street facing façade shall be made of brick, split face block, concrete masonry units with texture or stone. Stucco products cannot exceed 40% of the building surface. No flat faced concrete block shall be allowed except for the wall of the building which is not visible from a public space or right-of-way. Wood or wood appearing siding may be an acceptable exterior material, not to exceed 10% of the building surface. Vinyl siding is not allowed.

G. Access to each building for fire department equipment shall be provided in accordance with the requirements of the Fire Marshall's Office.

2. Landscape Plan

A. During construction and prior to installation of the landscaping, weeds shall be controlled consistent with both City and State requirements.

B. All landscaped areas including grassed and sodded areas shall be irrigated.

C. As part of the development plan approval for Phase 1-A, trees shall be planted 40' on center along the subdivision's frontage along Veteran s Memorial and South Expressway and along both the east and west sides of East Manawa Drive right-of-way.

D. A specific landscaping plan shall be part of every building permit application. The plan shall include the irrigation system and planting schedule, the species list with number and location of all plant material within a dimensioned site plan. The plan will be reviewed for consistency with the concept plan. The trees and shrubs shown on each lot are generally acceptable. Landscaping shall be installed prior to issuance of a Certificate of Occupancy for the lot.

E. Not more than 10% of the landscaped area in each lot in the subdivision shall be of inorganic material brick, stone, aggregate, metal or artificial turf. Organic mulch may be used around trees and shrubs.

F. Landscaping shall not interfere with the vision of any motorized vehicle at any intersection or pedestrian way.

G. All trees shall be at least 2" diameter or greater when planted.

H. Not less than 10% of the total lot area shall be landscaped with trees, shrubs and other plant material.

I. In addition to the trees planted on the subdivision perimeter, a minimum of one tree shall be planted on each lot for every 10 parking spaces located on that lot.

3. Parking

A. The required minimum number of parking spaces shall be determined the use as cited in Chapter 15.23 'Off Street Parking, Loading and Unloading' requirements. In cases where several uses occupy a structure or parcel of land the total requirement for off-street parking shall be the sum of the requirement of the different uses.

B. The developer shall develop cross access and ingress/egress easements to be recorded with the final plat to accommodate shared parking and driveways.

C. Each request for a building permit will include a parking lot plan showing the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas, and lighting.

- D. Pedestrian ways connecting the building entrance to parking and sidewalks are required.
- E. All parking areas will be paved and curbed.
- F. All parking areas shall comply with ADA requirements.
- G. All exterior lighting in parking lots within the development shall be of a consistent type, finish and design of painted or finished aluminum or steel. Wood poles shall not be allowed. The maximum height shall not exceed 40 feet.

4. Signage

- A. One center sign located at the intersection of Veterans Memorial Highway and East Manawa Drive. This shall be monument sign with maximum height of 10'. Design shall be reviewed and approved administratively. Location and sign easement shall be included in the final plat as needed.
- B. Detached signage shall be limited to one monument sign per lot with a maximum height of 6 feet. The entire monument shall be counted as signage as measured from the existing finish grade to the top of the monument and from one side of the monument structure to the other with a maximum area on each side not to exceed 48 square feet per face.
- C. On-site directional signage will not be permitted due to the allowance for individual monument signs on each lot.
- D. Attached signs placed above the entrance shall not exceed 36" in height and 1.5 square feet per linear foot of the building to which it is attached, with a maximum of one sign per façade, not to exceed three signs.
- E. For attached signs, general sign parameters encourage individual illuminated letters, preferring reverse channel halo lighting, limited to the business or trade name of the premises as it appears on the lease.
- F. Pole signs, pylon signs and above peak roof signs are not permitted.
- G. Amendment to the development plan for signage will be necessary for the Phase 1-B development.

Public Hearing

The following appeared before the Planning Commission in favor of the request: Deb Petersen, representing Rod Rhoden. Ron Ross and Mike Geier, Snyder Associates.. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission concurs with the conditions in the staff report except that timing for removal of the south billboard will be defined in a development agreement for the site.

VOTE: AYE 9 NAY 1 ABSTAIN 0 ABSENT 1 Motion: Carried

Attachments: Attachment 'A', drainage plan and development concept plan

Represented by: Deb Petersen, P.O. Box 893, Council Bluffs, IA 51502-0893

Snyder Associates, Ron E. Ross, 1751 Madison Ave, Council Bluffs, IA 51503

Prepared by: Gayle M. Malmquist, Development Services Coordinator



RESOLUTION NO. 08-282

A RESOLUTION to adopt a Planned Commercial Development Plan for a subdivision to be known as Southtowne, located at the northwest corner of Veterans Memorial Highway (Hwy. 275) and South Expressway (Hwy. 192).

WHEREAS, Rod Rhoden is requesting adoption of a Planned Commercial Development Plan for a 10 lot commercial subdivision to be known as Southtowne, consisting of a 21.55 acre tract in Lots 1, 2 and 3, Rhodens Subdivision and the east 637.83' lying north of the highway in the SW ¼ SE ¼ of Section 12-74-44; and

WHEREAS, Ordinance No. 5833, passed and approved on February 14, 2005, rezoned this land to PC/Planned Commercial from C-2/Commercial and I-2/General Commercial. This zoning is appropriate for the intended commercial uses; and

WHEREAS, the Community Development Department recommends approval of the Planned Commercial Development Plan for Southtowne, subject to the following:

1. Site Development.

A. Minimum setback requirements for all structures shall be: front 20 feet; rear 15 feet; interior side 10 feet; and street side 15 feet.

B. Southtowne Drive shall be the front yard of Lots 1 through 8 in Phase I-A and Lots 9 and 10 in Phase 1-B.

C. The maximum height of any building, structure or decorative feature for Phase 1-A lots shall not exceed 25 feet. Building, structure and decorative feature in Phase 1-B lots shall not exceed 45 feet or three stories. Parapet walls not to exceed 4' to hide mounted equipment from view. Curved roofs shall be standing seam only. Pitched roofs shall be slate or concrete shingles or standing seam. Not more than 15% of the building using a pitched roof shall exceed the 25' height restriction.

D. All trash receptacles shall be enclosed on three sides and screened from public view with materials similar to those of the primary building. The enclosures shall have a lockable gate which, when closed completely, eliminates any view of the dumpster. The location will be approved with the building permit application.

E. All loading areas shall be screened from public view, including all rights-of-way, by a combination of architectural treatments and/or landscaping which, after three years, shall significantly screen the loading area from view.

F. Each building will have a minimum of two and a maximum of three primary building materials, excluding glass. Primary building materials shall be: brick (clay) or brick veneer, split face block, natural or composite stone or stone veneer laid horizontally and granite veneer. Secondary building materials shall be: precast concrete with exposed aggregate and sufficient detail, pattern or reveals to give texture and scale, cast in place concrete with exposed aggregate and sufficient detail, pattern or reveals to give texture and scale and integrally colored split-faced concrete block. Metal shall only be allowed as an architectural

accent. Glass is permitted on any exterior. Forty percent (40%) or more, but not to exceed 80% of the building's front façade or other street facing façade shall be made of brick, split face block, concrete masonry units with texture or stone. Stucco products cannot exceed 40% of the building surface. No flat faced concrete block shall be allowed except for the wall of the building which is not visible from a public space or right-of-way. Wood or wood appearing siding may be an acceptable exterior material, not to exceed 10% of the building surface. Vinyl siding is not allowed.

G. Access to each building for fire department equipment shall be provided in accordance with the requirements of the Fire Marshall's office.

2. Landscape Plan.

A. During construction and prior to installation of the landscaping, weeds shall be controlled consistent with both City and State requirements.

B. All landscaped areas, including grassed and sodded areas, shall be irrigated.

C. As part of the development plan approval for Phase 1-A, trees shall be planted 40' on center along the subdivision's frontage along Veterans Memorial Highway and South Expressway and along both the east and west sides of East Manawa Drive right-of-way.

D. A specific landscaping plan shall be part of every building permit application. The plan shall include the irrigation system and planting schedule, the species list with number and location of all plant material within a dimensioned site plan. The plan will be reviewed for consistency with the concept plan. The trees and shrubs shown on each lot are generally acceptable. Landscaping shall be installed prior to issuance of a Certificate of Occupancy for the lot.

E. Not more than 10% of the landscaped area in each lot in the subdivision shall be of inorganic material brick, stone, aggregate, metal or artificial turf. Organic mulch may be used around trees and shrubs.

F. Landscaping shall not interfere with the vision of any motorized vehicle at any intersection or pedestrian way.

G. All trees shall be at least 2" diameter or greater when planted.

H. Not less than 10% of the total lot area shall be landscaped with trees, shrubs and other plant material.

I. In addition to the trees planted on the subdivision perimeter, a minimum of one tree shall be planted on each lot for every 10 parking spaces located on that lot.

3. Parking.

A. The required minimum number of parking spaces shall be determined as cited in Chapter 15.23 "Off-Street Parking, Loading and Unloading" requirements. In cases where several uses occupy a structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirement of the different uses.

B. The developer shall develop cross access and ingress/egress easements to be recorded with the final plat to accommodate shared parking and driveways.

C. Each request for a building permit will include a parking lot plan showing the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas and lighting.

D. Pedestrian ways connecting the building entrance to parking and sidewalks are required.

E. All parking areas will be paved and curbed.

F. All parking areas shall comply with ADA requirements.

G. All exterior lighting in parking lots within the development shall be of a consistent type, finish and design of painted or finished aluminum or steel. Wood poles shall not be allowed. The maximum height shall not exceed 40 feet.

4. Signage.

A. One center sign located at the intersection of Veterans Memorial Highway and East Manawa Drive. This shall be a monument sign with maximum height of 10'. Design shall be reviewed and approved administratively. Location and sign easement shall be included in the final plat as needed.

B. Detached signage shall be limited to one monument sign per lot with a maximum height of six feet. The entire monument shall be counted as signage as measured from the existing finish grade to the top of the monument and from one side of the monument structure to the other with a maximum area on each side not to exceed 48 square feet per face.

C. On-site directional signage will not be permitted due to the allowance for individual monument signs on each lot.

D. Attached signs placed above the entrance shall not exceed 36" in height and 1.5 square feet per linear foot of the building to which it is attached, with a maximum of one sign per façade, not to exceed three signs.

E. For attached signs, general sign parameters encourage individual illuminated letters, preferring reverse channel halo lighting, limited to the business or trade name of the premises as it appears on the lease.

F. Pole signs, pylon signs and above peak roof signs are not permitted.

G. Amendment to the development plan for signage will be necessary for the Phase 1-B development.

WHEREAS, the Planning Commission concurs with the Community Development Department recommendation.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the Planned Commercial Development Plan for Southtowne is hereby approved, subject to the conditions set forth above.

ADOPTED
AND
APPROVED October 13, 2008

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

Planning Case No. PC-08-005

Council Communication
October 13, 2008 City Council Meeting

Department: Community Development	Ordinance No.: N/A Resolution No.: <u>08-292</u>	Date: <u>October 13, 2008</u>
Case/Project No.: EZ-08-005		
Subject/Title		
EZ-1 Abatement Schedule Amendment		
Background/Discussion		
<u>Background</u> In 1997 Council Bluffs established an Enterprise Zone pursuant to Iowa House File 724 with the adoption of Resolution No. 97-201 and amended by Resolutions No. 97-234 and 99-23. The creation of Enterprise Zones was meant to stimulate investment in economically distressed areas by providing certain benefits. Those benefits include an abatement of property taxes on improvements to real property, capital investment tax credits of 10%; research activities credits; refund of sales, service and use taxes; and new jobs training supplemental credits. In order to qualify for Enterprise Zone benefits, a business must meet the following requirements: pay employees an average wage of 90% of the regional average; create at least 10 full-time jobs and retain them for 10 years; is not retail business; pay at least 80% of employee medical and dental insurance; make a capital investment of at least \$500,000; and the business must not have experienced significant downsizing elsewhere in the State. According to Iowa law, localities can set their own tax abatement schedules in Enterprise Zones up to a period of 10 years as long as the abatement schedules are consistent for all projects in the particular zone. These schedules can be performance based meaning more abatement can be provided for projects that make larger capital investments and/or create or retain more jobs. Council Bluffs chose to provide a 3-year 100% exemption for all projects. <u>Discussion</u> Omaha Standard was approved for Enterprise Zone benefits in December of 2003 to assist them with the relocation of their operations out of several outdated facilities scattered throughout Council Bluffs into a new 200,000 square foot facility located at South 11 th Street and South Omaha Bridge Road. Construction of their new facility occurred in 2004-2005 with an investment of \$17,400,000. The project also resulted in the creation of 107 new jobs and the retention of 183 employees. The company met all Enterprise Zone wage and benefit requirements. The 3-year 100% tax abatement that Omaha Standard received as part of the Enterprise Zone benefits is scheduled to end with the 2008 tax year. During the past three years, the market for truck service bodies has declined dramatically as the general construction market has suffered through the housing market collapse. As such, Omaha Standard has suffered economically and they have requested an extension of their property tax abatement to assist in weathering this economic downturn.		

Council Communication
October 13, 2008 City Council Meeting

An amendment to the existing Enterprise Zone Resolution modifying the tax abatement schedule would be required to provide this extension of tax abatement. In reviewing past Enterprise Zone approved projects, it was determined that additional tax abatement could be extended to Omaha Standard if we instituted a performance based investment and job creation/retention requirement.

Staff is proposing to amend the Enterprise Zone-1 policies to provide for additional tax abatement benefits for those companies who make a capital investment of at least \$15,000,000 and create or retain a minimum of 100 jobs meeting the EZ requirements. Companies who meet these requirements would be eligible for the following abatement schedule:

Year 1 – 100% Abatement of Improvements
Year 2 – 100% Abatement of Improvements
Year 3 – 100% Abatement of Improvements
Year 4 – 90% Abatement of Improvements
Year 5 – 80% Abatement of Improvements
Year 6 – 70% Abatement of Improvements
Year 7 – 60% Abatement of Improvements

Omaha Standard has already received Years 1-3 of the proposed schedule so if approved, would receive the additional abatement provided in Years 4-7 of the proposed schedule. Based on past approved EZ projects, Omaha Standard would be the only company to qualify for these additional benefits.

Staff Recommendation

The Community Development Department recommends approval of the amendment to EZ-1 providing for additional tax abatement to qualified projects.

Enterprise Zone Commission Recommendation

On September 8, 2008, the Council Bluffs Enterprise Zone Commission met and approved the amendment to EZ-1 providing for additional tax abatement to qualified projects. Motion by Prichard, second by Milford to concur with staff recommendation and approve the amendment to EZ-1 providing for additional tax abatement to qualified projects based upon the threshold criteria of \$15 million in capital investment and the creation or retention of at least 100 jobs. The motion carried by a unanimous voice vote with Norman abstaining.

VOTE: AYE – Andersen, Biede, Hornbeck, Jares, Milford, Prichard and Stazzoni; NAY
 – None; ABSTAIN – Norman; ABSENT – Bates

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department



RESOLUTION NO. 08-292

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS MODIFYING THE EXEMPTION FROM TAXATION OF THE IMPROVEMENTS MADE TO REAL PROPERTY FOR BUSINESSES MAKING CERTAIN CAPITAL INVESTMENT AND JOB CREATION/RETENTION LEVELS WITHIN ENTERPRISE ZONE-1.

- WHEREAS,** the City of Council Bluffs established Enterprise Zone-1 pursuant to Iowa House File 724 with the adoption of Resolution No. 97-201 and amended by Resolution Nos. 97-234 and 99-23; and
- WHEREAS,** enterprise zones and the eligible benefits under House File 724 were established to promote economic and housing development in distressed areas; and
- WHEREAS,** one of the benefits provided under enterprise zones is the exemption from taxation all or a portion of the actual value added by improvements to real property directly related to new jobs created by the location or expansion of an eligible business under the enterprise zone legislation and used in the operation of an eligible business within the zone; and
- WHEREAS,** it is the City's intention to exempt eligible businesses from local taxation from the first year the County Assessor assesses the value added improvements in accordance with the enterprise zone legislation; and
- WHEREAS,** on September 8, 2008, the Enterprise Zone Commission held a public meeting to review the amendment request providing for additional tax abatement incentives to businesses meeting certain capital investment and job creation/retention thresholds.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

Section 1.0 That the City has declared an enterprise zone (EZ-1) pursuant to House File 724 with the adoption of Resolution No. 97-201 and amended by Resolution Nos. 97-234 and 99-23.

Section 2.0 That it is the intention of the City that eligible businesses locating or expanding in the enterprise zone be eligible for benefits specific in the enterprise zone legislation.

Section 3.0 That City Council Resolution No. 97-201 which has been amended by Resolutions No. 97-234 and 99-23 is hereby further amended to allow for qualified businesses that make a capital investment of at least \$15,000,000 within the enterprise zone and create or retain 100 qualified jobs shall be eligible for an exemption from taxation of the actual value added by improvements to real property beginning the year the improvements are first assessed for taxation within the enterprise zone according to the following schedule:

Year 1 – 100% Abatement of Improvements
Year 2 – 100% Abatement of Improvements
Year 3 – 100% Abatement of Improvements
Year 4 – 90% Abatement of Improvements
Year 5 – 80% Abatement of Improvements
Year 6 – 70% Abatement of Improvements
Year 7 – 60% Abatement of Improvements

- Section 4.0** That the City shall file this resolution with the Pottawattamie County Assessor and Recorder.
- Section 5.0** The Mayor is hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution.
- Section 6.0** The provisions of this resolution shall be governed by the laws of the State of Iowa.
- Section 7.0** That all resolutions and parts thereof in conflict therewith are hereby repealed to the extent of such conflict.
- Section 8.0** That the provisions of this resolution are hereby declared to be separable and if any section, phrase, or provision shall be any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases and provisions hereof.
- Section 9.0** That this resolution shall become effective immediately upon its passage and approval.

ADOPTED
AND
APPROVED: October 13, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, 2008, before me the undersigned, a Notary Public in and for said County and State, personally appeared Thomas P. Hanafan and Judith H. Ridgeley, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Judith H. Ridgeley, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

COUNCIL BLUFFS POLICE DEPARTMENT

OFFICE OF THE CHIEF OF POLICE

MEMORANDUM

DATE: Tuesday, October 07, 2008
TO: Mayor Hanafan, Council Members
FROM: KA Mehlin
RE: Tow Contract
CC:

I have recalculated the bid numbers as best I can with the numbers provided by Jay B's. You should note that the police department had no way of tracking through our system how many tows were made in 2007 using a flat bed tow truck, and I had to rely on figures from Jay B's.

It appears from the bid proposals that Jay B's tow fees for a vehicle that needed a flatbed would be the same as for a regular tow truck. Arrow's bid specified that a flat bed tow would be \$45. Because the Arrow bid was \$30 per tow for passenger cars and ½ ton trucks and motorcycles, their bid would be \$15 higher on those vehicles towed with a flat bed. There were two motor homes towed with a flat bed in 2007. The bid by Arrow for a motor home was \$25. The two flat bed tows would have increased those two tows by \$40.

Using the figures available to me, it appears that the two bids are practically identical. Using the figures from 2007, the Jay B's bid is \$210 cheaper than Arrow.

I have included the charts for the 2007 comparison, and the flatbed tow chart.

KA Mehlin

Vehicle Description	Number Towed	Jay B Price	Arrow Price
Passenger Cars and 1/2 Ton Pickups	1270	\$44,450.00	\$38,100.00
Motorcycles	26	\$780.00	\$780.00
Farm	1	\$5.00	\$5.00
Semi	2	\$50.00	\$40.00
Motor Homes	4	\$80.00	\$100.00
Totals		\$45,365.00	\$39,025.00

	Number of Tows		
Flat Bed Tows 2007			
Autos	157	X15 =	\$2,355.00
Pickups	126	X15 =	\$1,890.00
SUV	118	X15 =	\$1,770.00
Vans	21	X15 =	\$315.00
Motorcycles	8	X15 =	\$120.00
Motor Home	2	X20	\$40.00
Other	4	X15 =	\$60.00
		Jay B Price	Arrow Price
		45,365.00	\$45,575.00

Total Number of Flatbed Tows for 2007

Type of Vehicle	Number of tows
Autos	157
Pickups	126
SUV	118
Vans	21
Motor Cycles	8
Motor Homes	2
Trailers	2
ATV's	2



RESOLUTION NO. 08-295

A RESOLUTION TO AWARD THE VEHICLE TOWING AND STORAGE CONTRACT.

- WHEREAS, the City has a duty and responsibility to protect and maintain the public health, safety and welfare of its citizens; and
- WHEREAS, in its mission, the City finds it necessary to regulate and control vehicles found upon its streets, highway, alleys, and other public rights-of-way; and
- WHEREAS, after careful review of the latest bids received for the towing and storage of vehicles in accordance with the bid specifications, it is necessary to award the bid to the most qualified bidder.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby award the Vehicle Towing and Storage Contract to _____ for a term beginning _____ and ending _____;

AND BE IT FURTHER RESOLVED

That staff is hereby authorized to execute said contract on behalf of the City.

ADOPTED
AND
APPROVED October 13, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk